FEDERAL REGISTER

VOLUME 6 NUMBER 244

Washington, Wednesday, December 17, 1941

The President

EXECUTIVE ORDER

CONTROL OF CIVIL AVIATION

By virtue of the authority vested in me by section 1 of the act of August 29, 1916, 39 Stat. 645 (U.S.C., title 10, sec. 1361), and as President of the United States, it is hereby ordered as follows:

1. In the administration of the statutes relating to civil aviation the Secretary of Commerce is directed to exercise his control and jurisdiction over civil aviation in accordance with requirements for the successful prosecution of the war, as may be requested by the Secretary of War.

2. The Secretary of War is authorized and directed to take possession and assume control of any civil aviation system, or systems, or any part thereof, to the extent necessary for the successful prosecution of the war.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 13, 1941.

[No. 8974]

[F. R. Doc. 41-9418; Filed, December 15, 1941; 4:11 p. m.]

EXECUTIVE ORDER

AUTHORIZING THE SECRETARY OF COMMERCE TO WAIVE COMPLIANCE WITH THE NAVIGATION AND VESSEL INSPECTION LAWS FOR WAR PURPOSES

By virtue of the authority vested in me by the Constitution and Statutes of the United States as President of the United States and Commander-in-Chief of the Army and Navy, and to further the successful prosecution of the war, it is hereby ordered as follows:

1. The Secretary of Commerce is directed to waive compliance with the navigation and vessel inspection laws upon the request of the Secretary of the Navy or the Secretary of War to the extent deemed necessary in the conduct of the war by the officer making the request.

2. The Secretary of Commerce is authorized to waive compliance with the navigation and vessel inspection laws to such extent and in such manner and upon such terms as he may prescribe, either upon his own initiative or upon the written recommendation of the head of any other Government agency that such action is necessary in the conduct of the war.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 12, 1941.

[No. 8976]

[F. R. Doc. 41-9470; Filed, December 16, 1941; 12:03 p. m.]

EXECUTIVE ORDER

ESTABLISHING THE NATIONAL PATENT PLANNING COMMISSION

WHEREAS both American industrial development and our people generally have greatly benefited by the products of American inventive genius;

AND WHEREAS it is essential even in time of war to plan for a full utilization of the nation's expanded industrial capacity with the return of peace, a problem to which the inventive genius of our citizens can be applied at this time and which also requires a study to be made of our existing patent laws and procedure, together with other appropriate action, by a commission familiar with the problems of science, industry, agriculture, labor, and the consumer;

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I do hereby order as follows:

1: There is hereby established the National Patent Planning Commission consisting of five members to be appointed by the President.

2: The Commission is authorized, in conjunction with the Department of

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THE PRESIDENT

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

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Commerce, to conduct a comprehensive survey and study of the American patent system, and consider whether the system now provides the maximum service in stimulating the inventive genius of our people in evolving inventions and in furthering their prompt utilization for the public good; whether our patent system should perform a more active function in inventive development; whether there are obstructions in our existing system of patent laws, and if so, how they can be eliminated; to what extent the Government should go in stimulating inventive effort in normal times; and what methods and plans might be developed to promote inventions and discoveries which will increase commerce, provide employment, and fully utilize expanded defense industrial facilities during normal times.

3: The Commission may appoint such officers, committees and subcommittees as it may deem necessary to carry out its functions.

4: The members of the Commission and of such committees and subcommittees as may be formed by it shall serve as such without compensation but shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to the performance of their duties.

5: The Commissioner of Patents and his office will assist the Commission, which is also authorized to call upon other offices and agencies of the Government for such aid and information as may be deemed necessary for its work.

6: The Commission shall report the results of such investigations and studies to the President, together with its recommendations.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 12, 1941.

[No. 8977]

[F. R. Doc. 41-9471; Filed, December 16, 1941; 12:04 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION

PART 411—1942 COTTON CROP INSURANCE CONTRACT REGULATIONS [1]

The Federal Crop Insurance Program is part of the general program of the United States Department of Agriculture administered for the benefit of agriculture.

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act of 1938, as amended, these regulations are hereby published and prescribed to be in force and effect, with respect to the 1942 Cotton Crop Insurance Program, until amended or superseded by regulations hereafter made.

MANNER OF OBTAINING INSURANCE

PREMIUM FOR INSURANCE CONTRACT

INSURANCE COVERAGE

PAYMENT OF INDEMNITY

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

DEPOSITS, REFUNDS OF DEPOSITS, AND EXCESS PAYMENTS

[1] Form FCI–212–C was filed as part of the original document.

MANNER OF OBTAINING INSURANCE

§ 411.1 *Application for insurance.* Application for insurance, on a form prescribed by the Corporation for such purpose, may be made by any person to cover his interest as landlord, owner, tenant, or sharecropper in cotton to be grown in 1942. An application shall cover each insurance unit in the county in which the applicant has an interest in the cotton crop at the beginning of the planting thereof. Applications must be submitted to the office of the county committee on or before the closing date.*

*§§ 411.1 to 411.46, inclusive, issued under the authority contained in secs. 506 (e), 507 (c), 509, 516 (b); 52 Stat. 73, 74, 75, 77; 7 U.S.C. Supp. V 1506 (e), 1507 (c), 1508, 1509, 1516 (b), as amended by 55 Stat. 255.

§ 411.2 *Acceptance of applications by the Corporation.* (a) Upon acceptance of an application by the county committee, the insurance contract shall be in effect: *Provided, however,* That the average yields and the premium rates specified in the application are those approved by the Corporation for the insurance unit covered by the application; *And provided further,* That such application is submitted in accordance with the provisions of the application, these regulations and any amendments thereto. Acceptance of the application shall be evidenced by the delivery on behalf of all applicants to the applicant whose signature appears in paragraph 8 of the application, of a copy of the application signed by a member of the county committee for and on behalf of such committee.

(b) The right is reserved to reject any application for insurance or to limit the insured percentage to 50 percent of the average yield for the insurance unit covered by the application in any case where the county committee determines that the risk to be incurred under the insurance contract warrants either such action.*

PREMIUM FOR INSURANCE CONTRACT

§ 411.3 *Amount of premium.* The premium for each insured on his insurance unit shall be the number of pounds of lint cotton determined by multiplying the acreage of cotton planted, as determined by the Corporation (but not in excess of the maximum insurable acreage), by the premium rate per acre and by the insured's interest in the crop. The premium with respect to each insurance unit shall be regarded as earned when the cotton crop on such unit is planted. The minimum premium payable by the insured with respect to any insurance unit shall be ten pounds.*

§ 411.4 *Manner of payment of premium.* (a) Each applicant for insurance shall sign a note, which is part of his application, for the payment of the premium for his insurance contract. Such notes shall be payable on or before the maturity date specified in § 411.46. If the Corporation makes settlement for any indemnity, or the applicant secures a loan from Commodity Credit Corporation on any indemnity cotton before such date, the maturity date shall become the day on which settlement of the indemnity is computed by the Corporation, or the day application for such loan is made, as the case may be. Said notes shall not bear interest either before or after maturity.

(b) Payments on said notes may be made in whole or in part before maturity, either in cotton or cash, or both. After maturity, payment may be made only in cash. In connection with any payment, there shall be credited on the note the number of whole pounds of lint cotton computed by dividing the payment made (the proceeds of the cotton if cotton is paid) by the cash equivalent price per pound, for the date of payment or the maturity date, whichever occurs first.

(c) If the applicant does not agree to participate in the 1942 Agricultural Conservation Program, the premium on the maximum insurable acreage for each insurance unit listed in the application must be paid at the time the application is submitted to the office of the county committee.

(d) If a note is not paid at maturity, the amount unpaid may be deducted, (1) by the Corporation from any indemnity due to the insured, (2) from the proceeds of any commodity loan to him, and (3) by the Secretary of Agriculture from any payment made to him under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress administered by the United States Department of Agriculture.

(e) Payments in cash shall be made by means of cash or by check, money order, or bank draft, payable to the Treasurer of the United States, and all checks and drafts will be accepted subject to collection, and payments tendered shall not be regarded as paid unless collection is made. When a payment is made in cotton it shall be by means of an instrument acceptable to the Corporation representing salable cotton.*

INSURANCE COVERAGE

§ 411.5 *Insurance period.* Insurance with respect to any insurance unit shall attach at the time the crop is planted and shall cease with respect to any portion of the crop upon weighing in at the gin, other disposal after harvest, upon transfer of interest in unharvested cotton after harvest is commenced, or January 21, 1943 (unless such date is extended in writing by the Corporation), whichever occurs first.*

§ 411.6 *Insured production.* The insured production on each insurance unit shall be the number of pounds of lint cotton determined by multiplying the acreage of cotton planted (as determined by the Corporation, but not in excess of the maximum insurable acreage) by the lint cotton insurance per acre and by the insured's interest in the crop at the beginning of planting.*

§ 411.7 *Causes of loss or damage insured against.* The insurance contract shall cover loss in yield of lint cotton and cottonseed due to any unavoidable cause or causes but shall not cover damage to quality or loss in yield caused by the neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant, sharecropper or wage hand, or by theft, use of defective or unadapted seed, failure to properly prepare the land for planting, or properly to plant, harvest or care for the insured crop, or by failure to replant the cotton in areas and under circumstances where the Corporation determines it is customary to replant, or where insurance is written on an irrigated basis, failure to properly apply irrigation water to cotton in proportion to the amount of water available for all irrigated crops.*

§ 411.8 *Notice of transfer, damage, removal, etc., of cotton crop.* (a) Notice in writing on a form prescribed for such purpose shall be given the Corporation at the office of the county committee immediately after the cotton crop, or any portion thereof, is transferred to another person, or, if a loss is probable, immediately after any material damage to the insured crop, or before the crop is harvested, removed, or any other use is made of the insured crop. Any such notice shall be given at such time that the Corporation may have reasonable time in which to make appropriate investigation.

(b) Any portion of the cotton crop that has been destroyed or substantially destroyed may be put to another use with the consent of the Corporation subject to an appraisal of the yield by the Corporation that would be realized if such portion of the crop remained for harvest. No acreage planted to cotton shall be considered as put to another use as long as

any cotton on such acreage is remaining for harvest. There shall be no abandonment of any crop or portion thereof to the Corporation.*

§ 411.9 *Time of loss.* Loss, if any, shall be deemed to have occurred at the completion of weighing in of the insured crop at the gin or disposal of the harvested crop, or January 21, 1943 (unless such date is extended in writing by the Corporation), whichever occurs first, unless there is a total or substantially total destruction of the entire crop at an earlier time, in which event the loss shall be deemed to have occurred at the time of such total or substantially total destruction as determined by the Corporation. The cotton crop shall be deemed to have been substantially totally destroyed if the Corporation finds that it has been so badly damaged that farmers generally in the area where the farm is located and on whose farms similar losses occurred would not further care for the crop or harvest any portion thereof.*

§ 411.10 *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation at the office of the county committee, on a form prescribed for that purpose, a statement in proof of loss containing such information as may reasonably be required regarding the insured crop. Such statement in proof of loss shall be submitted not later than 30 days after the time of loss, unless such time is extended in writing by the Corporation. It shall be a condition precedent to any liability under the insurance contract that the insured establish that any loss for which claim is made has been directly caused by a hazard insured against by the insurance contract during the term of the contract, and that the insured further establish that such loss has not arisen from or been caused by, either directly or indirectly, any of the hazards not insured against by the insurance contract.*

§ 411.11 *Amount of loss.* The amount of loss for which indemnity will be payable with respect to any insurance unit will be the number of pounds of lint cotton by which the insured's interest at the time harvest is commenced (and covered by insurance) of cotton harvested from the insurance unit and weighed in at the gin, cotton harvested (and not destroyed) but not weighed in at the gin, and the appraised production of cotton not harvested but left standing in the field is less than his insured production for such unit: *Provided, however,* That such amount shall be subject to one or more of the following reductions, whenever applicable, multiplied by the insured's interest in the crop at the time harvest is commenced: (a) where any acreage of cotton planted is put to another use with the consent of the Corporation, the number of pounds of cotton equal to the appraised production from such acreage; (b) where any acreage of cotton is not replanted to cotton in areas and under circumstances where it is customary to replant cotton, the number of pounds of cotton by which the amount of cotton determined as the production from such acreage is less than the product of the acreage, the average yield and the insured percentage; (c) where the actual production of cotton on any acreage is reduced either in whole or in part by causes not insured against, including (1) the use of such acreage for any purpose other than the production of cotton, without the consent of the Corporation, and (2) failure to properly apply irrigation water to cotton in proportion to the water available for all irrigated crops in instances in which insurance is written on an irrigated basis, a number of pounds equal to the appraised reduction in production: *Provided, however,* That with respect to any acreage on which there is a complete failure in yield due solely to a cause not insured against, such number of pounds shall not be less than the product of the acreage, the average yield and the insured percentage; (d) where any acreage of cotton is planted on acreage of poorer average quality than the average quality of the land considered in establishing the average yield and premium rate and such planting was not the result of an established rotation, or where the Corporation's risk has been increased upon any acreage by (1) the planting of a different variety of cotton than the variety of cotton considered in establishing the average yield or premium rate, (2) the following of a different fertilizer or other practice in connection with the production of cotton on the insurance unit than the practice taken into consideration in establishing the average yield and premium rate for the unit, (3) or the planting of the cotton crop under conditions of immediate hazard without adjustment of the average yield or premium rate to reflect such hazard, a number of pounds equal to the product of such acreage, the insured percentage and the number of pounds of cotton per acre representing the difference between the average yield established and the yield appraised on the basis of the quality of the land seeded, the variety of cotton planted, the practice followed, or the immediate hazard at the time of planting, as the case may be. This adjustment shall be made for any one or more of the reasons listed in this item, notwithstanding that damage or total destruction of the insured crop occurs by reason of any other cause. (e) To the amount of lint loss, there shall be added a number of pounds of lint cotton equal to 19 percent of the amount of lint loss to cover loss of cottonseed.*

PAYMENT OF INDEMNITY

§ 411.12 *When indemnity payable.* The amount of loss for which the Corporation may be liable with respect to any farm covered by the insurance contract shall be payable within 30 days after satisfactory proof of loss is approved by the Corporation. Notwithstanding the fact that payment of any indemnity is delayed for any reason beyond the time specified, the Corporation shall not be liable for interest or damages on account of such delay.*

§ 411.13 *Manner of payment of indemnity.* (a) In payment of any indemnity, the Corporation shall issue a certificate of indemnity specifying the number of pounds of lint cotton due as indemnity and bearing an expiration date. Such certificate shall not be assignable except for the purposes of securing a commodity loan upon cotton from the Commodity Credit Corporation in the event such loans are made. This certificate may be used (1) to obtain the cash equivalent of the indemnity, (2) to obtain lint cotton in payment of the indemnity (payments in cotton shall be in terms of bales only), (3) to obtain a commodity loan upon the cotton represented by the certificate in accordance with the rules of the Commodity Credit Corporation if loans upon the 1942 cotton crop are made available by Commodity Credit Corporation and the insured is eligible for any such loan.

(b) The cash equivalent of the indemnity shall be the number of pounds of lint cotton specified in the certificate of indemnity multiplied by the cash equivalent price per pound established on the basis of the price of cotton at the applicable spot market on the day the insured's request is received, or the expiration date of the certificate, whichever is earlier, and less a reasonable charge for storage and handling. The schedule of such charges shall be shown on the certificate of indemnity.

(c) If the insured, prior to the expiration date of the certificate, requests payment of his indemnity in lint cotton and the Corporation determines that lint cotton is conveniently available for the payment of the indemnity, a warehouse receipt shall be delivered to the insured in an amount of cotton equal to the indemnity due, subject to adjustment for the location of the cotton paid as indemnity and subject also, where applicable, to deduction of an amount of cotton representing the deductions that would have been made if settlement had been made in the cash equivalent.

(d) The certificate of indemnity may be used for the purpose of obtaining a commodity loan from the Commodity Credit Corporation upon the cotton represented thereby (if loans are made available by the Commodity Credit Corporation with respect to the 1942 cotton crop and the insured is eligible for such loan) in accordance with instructions issued by the Commodity Credit Corporation. If, at any time during the period of the loan, the insured elects to liquidate such loan, he may do so by notifying the Federal Crop Insurance Corporation on a form prescribed by the Corporation and request that the cash equivalent of the indemnity be established. The cash equivalent of the indemnity shall be established on the basis of the prices in effect on the date that the request of the insured is received in the appropriate branch office of the Corporation. The amount of the cash equivalent shall be

computed in the same manner as is provided in paragraph (b) of this section. If the amount of the cash equivalent is not sufficient to liquidate the loan and charges in connection therewith, the Corporation shall notify the insured of such fact.

(e) The expiration date of the certificate of indemnity shall be 15 days after the final date established for obtaining cotton loans with respect to the 1942 cotton crop if such loans are made available by the Commodity Credit Corporation, or 90 days after the date of issuance of the certificate of indemnity, whichever is later. If any of the dates fall on other than a business day, the date of the next following business day shall apply.*

§ 411.14 *Adjustments in connection with indemnity payments.* In any case where settlement under the certificate of indemnity has been made by the Corporation, and an adjustment in the amount of indemnity is made for such case, the adjustment shall be made as of the same date as the original settlement.*

§ 411.15 *Other insurance.* If the insured has or acquires any other "all-risk" insurance against substantially all the risks that are insured against under the insurance contract on the crop or portion thereof covered in whole or in part by such insurance contract, whether valid or not, or whether collectible or not, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer.*

§ 411.16 *Subrogation.* The Corporation may require from the insured an assignment of all rights of recovery against any party for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.*

§ 411.17 *Suit.* No suit or action shall be brought to enforce any claim for loss under the insurance contract unless all the requirements of such contract shall have been complied with.*

§ 411.18 *Creditors.* (a) An interest existing by virtue of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or any other legal process shall not be considered an interest in an insured crop within the meaning of these regulations.

(b) Any indemnity payable under an insurance contract shall be paid to and settlement under the certificate of indemnity made to, the insured, or to such other person as may be entitled to the benefits of the insurance contract under the provisions of these regulations, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy directed against the insured or such other person, or against any indemnity alleged to be due to such person, nor shall the Corporation or any officer, employee, or representative thereof be a proper party to any suit or action with reference to such indemnity or the proceeds thereof nor be bound by any judgment, order, or decree rendered or entered therein. No officer, agent, or employee of the Corporation shall pay, or cause to be paid, to any person other than the insured or other person entitled to the benefits of the insurance contract, any indemnity payable and settlement under any certificate of indemnity in accordance with the provisions of the insurance contract because of any such process, order, or decree. Nothing herein contained shall excuse any person entitled to the benefits of the insurance contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.*

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

§ 411.19 *Transfers of interest in insured crop.* Payment of indemnity will be made only to the person or persons having the insured interest in a cotton crop at the beginning of harvest or the time of loss, whichever occurs first. In the event that there is a transfer of the insured interest in a cotton crop after planting and before the beginning of harvest, or the time of loss, whichever occurs first, the transferee shall be entitled to the benefits of the insurance contract as follows: (a) if the transfer is one of the entire insured interest in the crop or a percentage of such entire interest, the insurance unit shall not be changed, and the transferee shall be entitled to indemnity payable; (b) if the transfer is one of the insured interest or a portion thereof in a portion of the acreage constituting the insured crop (and as the result of such transfers the farm is not divided into four or more units of ownership or operation) the acreage with respect to which such interest is transferred shall constitute a separate insurance unit for the purposes of determining the amount of loss: *Provided, however,* That if any such transfer takes place after material damage to the insured crop or portion thereof and the Corporation determines that the transfer was made for the purpose of requiring that the Corporation pay a greater indemnity than would have been paid if the transfer had not taken place, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place. If, as a result of such transfers, the interest of the transferor is divided into four or more units of ownership or operation, the insurance unit shall remain unchanged and the indemnity, if any, payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons and payment in any such manner shall constitute a complete discharge of the Corporation's liability under the contract.*

§ 411.20 *Death, incompetency, or disappearance of insured.* (a) If the insured dies, is judicially declared incompetent, or disappears, before the time of loss or the time harvest is commenced, whichever occurs first, and his insured interest in a cotton crop is a part of his estate at the time of loss, or if insured dies, is judicially declared incompetent, or disappears subsequent to such time, the indemnity, if any, shall be paid to the legal representative of his estate, if one is appointed or is otherwise duly qualified. If no such representative is or will be appointed, the indemnity shall be paid to the persons beneficially entitled to share in the insureds interest in the crop or to any one or more of such persons on behalf of all such persons: *Provided, however,* That if the indemnity exceed 5,000 pounds of cotton the Corporation may withhold the payment of the indemnity until a legal representative of the insureds estate is appointed by the Court or otherwise legally qualified.

(b) If the insured dies, is judicially declared incompetent, or disappears before the time harvest is commenced, or the time of loss, whichever occurs first, and his interest in the crop is not a part of his estate at such time, the indemnity, if any, shall be paid to the person or persons having such interest in the crop in the manner provided for in § 411.19.

(c) An insured shall be considered to have disappeared within the meaning of this section if he leaves his place of residence and his whereabouts have been unknown for a period of 150 days.*

§ 411.21 *Collateral assignment of insurance contract.* An insurance contract may be assigned by the original insured as collateral security for a current loan, current advances to assist in the making of a cotton crop, the amount of the current year's rental due under a leasing agreement with respect to the insurance unit upon which the cotton crop is or will be planted, or the amount of the current annual installment due under a purchase, mortgage, or trust agreement covering the purchase of the insurance unit upon which the cotton crop is or will be planted and an additional amount of any delinquency which may be due under the purchase, mortgage, or trust agreement of not to exceed the amount of the current annual installment including interest and taxes. Such assignment shall be made by the execution of a form prescribed by the Corporation, and, upon approval thereof by the Corporation, the interests of the assignee will be recognized in the event that an indemnity is payable under the insurance contract, to the extent of the unpaid balance of the amount (including interest and other charges) for which such assignment was made as collateral security: *Provided, however,* That (a) the Corporation, in payment of the indemnity may issue a check

payable jointly to all persons entitled thereto and that such payment shall constitute a complete discharge of the Corporation's obligation with respect to such loss under the insurance contract; and (b) payment of any indemnity will be subject to all conditions and provisions of the insurance contract. The Corporation's approval of an assignment shall not create in the assignee any right other than that derived from the assignor. The Corporation shall in no case be bound to accept notice of any assignment of the insurance contract, and nothing therein contained shall give any right against the Corporation to any person other than the insured except to an assignee approved by the Corporation. Only one such assignment will be recognized in connection with the insurance contract, but if an assignment is released, a new assignment of the contract may be made.*

§ 411.22 *Fiduciaries.* Any indemnity payable under an insurance contract entered into the name of a fiduciary who is no longer acting in such capacity at the time for the payment of indemnity and settlement under the certificate of indemnity will be made to the succeeding fiduciary upon appropriate application and proof satisfactory to the Corporation of his incumbency. In the event that there is no succeeding fiduciary, payment of the indemnity and settlement under the certificate of indemnity shall be made to the persons beneficially entitled to the interest in the insured crop to the extent of their respective interests upon proper application and proof of the facts: *Provided, however,* That the loss may be adjusted with any one or more of the persons so entitled, and payment may be made to such person or persons in behalf of all the persons so entitled, whether or not the person to whom payment is made has been authorized to receive such payment by the other persons so entitled.*

§ 411.23 *Indemnities subject to all provisions of insurance contract.* Indemnities payable to any person shall be subject to all the provisions of the insurance contract, including the right of the Corporation to deduct from any such indemnity the unpaid amount of the note of the original insured for the payment of the premium. Any indemnity payable to any person other than the original insured as a result of transfer or otherwise shall be subject to any collateral assignment of the insurance contract by the original insured.*

§ 411.24 *Determination of person to whom indemnity shall be paid.* In any case where the insured has transferred his interest in all or a portion of the cotton crop on any farm, has died, has become incompetent, has disappeared, or has ceased to act as a fiduciary, payment in accordance with the provisions of these regulations will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made to a person other than the named insured and of the person to whom such payment shall be made shall be final and conclusive. Payment of any indemnity and settlement under any certificate of indemnity in accordance with an adjustment of loss made with such person shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.*

DEPOSITS, REFUNDS OF DEPOSITS, AND EXCESS PAYMENTS

§ 411.25 *Deposits to be applied toward payment of notes for future crop years.* (a) Any person who, at the time of submission of his application for insurance, makes a payment on the note for his 1942 crop insurance premium in an amount equal to not less than the number of pounds of cotton required as the premium on the basis of the maximum insurable acreage for each insurance unit listed in his application, may tender at such time a deposit of cash or lint cotton, not in excess of the amount paid on the note, for the payment of notes for future crop years. The Corporation reserves the right to reject the tender of any deposit.

(b) The acceptance of any deposit shall not obligate the Corporation to insure the interest of the depositor in any future insurance program, and any insurance contract for which such deposit is used will be subject to the provisions of the regulations applicable to such contract. Moreover, the depositor shall have no title or interest in any cotton held by the Corporation, including that deposited by him, and the Corporation shall be liable to the depositor only for the cash equivalent price per pound for each pound of the quantity of cotton credited to the insured's account.*

§ 411.26 *Refunds of deposits.* Except as may otherwise be provided by the Corporation, no claim for refund of a deposit shall be made prior to the final date fixed by the Corporation for receipt of the application for the 1943 Cotton Crop Insurance Program in the county in which the insurance unit covered by the insurance contract is located: *Provided, however,* That the Corporation may refund any deposit at such earlier date as it may determine. The cash equivalent price per pound of any refund of deposit shall be determined by multiplying the number of pounds of cotton credited to the insured's account by the cash equivalent price per pound applicable for the date on which the deposit was tendered.*

§ 411.27 *Refunds of excess payments.* No refund of any note payment shall be acted upon by the Corporation until the acreage planted to cotton on all the insurance units covered by the insurance contract has been determined. Any such refund shall be a refund of the actual amount of money paid to the Corporation in excess of that determined to be necessary to pay the note executed for the payment of the premium for the insurance contract.*

§ 411.28 *Assignment or transfer of claims for refunds.* No claim for a refund, or any part or share thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the insurance contract as security or any transfer of interest in any cotton crop covered by the insurance contract. Refund of any deposit will be made only to the depositor and refund of any other payment will be made only to the person who made such payment.*

§ 411.29 *Refund in case of death, etc.* In any case where a person, who is entitled to a refund of a payment or a deposit, has died, has been judicially declared incompetent or has disappeared, the provisions of § 411.20 with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.*

ESTABLISHMENT OF AVERAGE YIELDS AND PREMIUM RATES

§ 411.30 *Determination of farm average yields per acre of lint cotton.* (a) When reliable and applicable records of the actual average yield of lint cotton per acre on the farm for at least five years of the period 1934–40 are available, the county committee shall determine the simple average of the annual yields per acre for such period. The annual yields of any such farm for as many as two years of the seven years 1934–40 may be appraised, or estimated, (1) if the county committee finds that the yield for any year was abnormally low due to a cause which did not result in similar losses generally throughout the county and which is not more likely to recur on the farm than to occur on any other farm in the county (hereinafter referred to as "spot loss"), (2) if the county committee finds that a computed yield is not applicable because the crop for the year was planted on a small or unrepresentative acreage, or because of a substantial change in farming practices, and (3) if no yield was computed for certain years because data were not available or because no crop was planted. Appraisal shall be based (1) upon reliable records of yields in such years on similar farms, giving due consideration to general fertility of the land, types of soil, topography, drainage, and production practices, or (2) upon the actual yield for the same or similar land on the same farm in a year of similar growing conditions.

(b) When reliable and applicable records of the actual average yield of lint cotton per acre on the farm are not available for at least five years of the period 1934–40, the average yield for the farm shall be determined on the basis of comparison of the farm with a similar "key farm," that is, a similar farm for which the average yield has been established under paragraph (a) or (c) of this section, taking into consideration any differences between the two farms in general

fertility, types of soil, topography, drainage, and production practices.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the county committee shall use the methods of determining the average yield prescribed in paragraph (a) of this section in any county for farms for which reliable and applicable data for four years of the period 1934–40, with appraisals or estimates of the annual average yield for three years, when necessary in order that the number of farms qualifying under paragraph (a) and this paragraph may equal the smaller of (1) ten percent of the cotton farms in the county or (2) 100 farms, or may be sufficiently representative of all types of cotton farming conditions in the county to serve as adequate samples for the appraisals prescribed in paragraph (b) of this section.

(d) In counties where the provisions of paragraph (c) of § 411.33 apply and reliable and applicable records of the actual production and acreage of lint cotton are available for at least five years of the period 1934–40, the county committee shall determine, in accordance with instructions issued by the Corporation, the simple average of the annual yields per acre for the five-year period 1936–40 or the weighted average for the same period using the acreage planted as the basis of weighting. The annual yields of any such farms for as many as two years of the seven years 1934–40 may be appraised or estimated, (1) if a "spot loss" has occurred in any year or, (2) if the county committee finds that a computed yield is not applicable because the crop for the year was planted on a small or unrepresentative acreage or because of a substantial change in farming practices, or (3) if no yield was computed for certain years because data were not available or because no crop was planted. Appraisals shall be made in the manner provided for in paragraph (a) of this section. For farms which do not meet these qualifications, the average yield for the farm shall be determined on the basis of comparison of the farm with a similar "key farm," that is, a similar farm for which the average yield has been computed as provided above in this paragraph, taking into consideration any differences between the two farms in general fertility, types of soil, topography, drainage, and production practices.

(e) The weighted average of the average yields established for all farms in the county, obtained by weighting such average yields by the cotton acreage allotments for such farms under the 1942 Agricultural Conservation Program, shall not exceed the county check yield established by the Corporation.*

§ 411.31 *Determination of premium rates for insurance.* (a) For all farms in the county for which the average yield is established under paragraph (a), (c), or (d) of § 411.30 the premium rate, for lint cotton insurance only, shall be determined (1) by obtaining the average loss cost, that is, the simple average of the extent to which the yield on the farm during each year of the period 1934–40 fell below 75 percent of the average yield for the farm to be insured, and (2) by averaging such figure with the county check premium rate for 75-percent insurance of the average yield, giving a weight of three to the average farm loss cost and a weight of one to the county check premium rate, or equal weights to each such figure where the Corporation determines that such procedure more adequately reflects the risks to be incurred on the farms in the county. The same method of weighting shall be used for all farms in the county, unless the Corporation determines that cotton farming conditions within a county are so different as to warrant the use of one method of weighting in one or more administrative areas within the county and the other method in the other administrative area or areas within the county.

(b) For farms in the county for which the average yields have been established in accordance with § 411.30 (b), premium rates, for lint cotton insurance only, shall be established by appraisal on the basis of comparison of each such farm with a similar "key farm," taking into consideration any difference in risks of loss between the two farms.

(c) The average of the premium rates for lint cotton insurance established for all farms in the county, weighted by the cotton acreage allotments established for such farms under the 1942 Agricultural Conservation Program, shall not be less than the county check premium rate established by the Corporation.

(d) The minimum premium rate per acre for 75-percent insurance on lint cotton shall be four pounds of lint cotton plus two percent of the average yield established for the farm, except that for farms with an average yield of less than 100 pounds per acre the minimum premium rate shall be six percent of the average yield for the farm.

(e) The premium rate for 50-percent insurance on lint cotton shall be determined by applying a percentage factor to the 75-percent lint cotton insurance premium rate, irrespective of the minimum premium rate, which has been established for the farm. This factor shall be based upon the relationship between the county loss cost for 50-percent insurance and the county loss cost for 75-percent insurance but shall not be less than 15 percent. The minimum rate for 50-percent insurance shall be one-third of the minimum rate for 75-percent insurance.

(f) The premium rates so determined for lint cotton insurance shall be increased by 19 percent as premium for coverage against loss of cottonseed.*

§ 411.32 *Average yields and premium rates where farm varies widely in productivity or risk of loss.* When the land comprising any farm consists of tracts varying widely in productivity, topography, or risk of loss, separate average yields and premium rates may be established by the Corporation for such tracts on the basis of appraisal, taking into consideration the yield data available.*

§ 411.33 *County check yields.* County check yields shall be determined by the Corporation as follows:

(a) In counties where the Corporation finds that there is a definite upward or downward trend due to farming practices, the county check yield will be the average for the seven-year period 1934–40.

(b) In counties where the Corporation finds that there is no apparent upward or downward trend or that any apparent trend is not due to farming practices but is due to variation in weather conditions, the average yield for the period 1928–40 or other representative period shall be used.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, in counties where the 1942 Agricultural Conservation Program county normal yield for cotton is within five percent of the yield determined under either paragraph (a) or (b) of this section, and the county and state committees determine that the computations of the normal yields established under said program for the farms in the county have not included any adjustments for abnormal weather conditions except "spot losses," the 1942 Agricultural Conservation Program county normal yield for cotton will be the county check yield for the 1942 Cotton Crop Insurance Program.*

§ 411.34 *County check premium rates.* The Corporation shall establish county check premium rates on the basis of average loss cost for the county for a representative period as determined by the Corporation from annual yield data for the county during such period and the relationship between yields and loss costs for sample farms in the county selected for actuarial purposes, adjusted to reflect risks of loss not included in actuarial data available to the Corporation.*

§ 411.35 *Average yields and premium rates for fractional parts of a farm.* The average yield and premium rate for a fractional part of a farm which is to be insured as a separate insurance unit shall be appraised in accordance with instructions issued by the Corporation. Such appraisals shall be based upon the average yield and rate for farms similar in acreage, farming practices, topography, and risk of loss, taking into consideration the average yield established for the entire farm. Due to the increased risk of loss to the Corporation involved in insuring separately fractional parts of a farm, the appraised premium rate for a fractional part of a farm shall not be lower than the premium rate established for the entire farm, or, where there are four or more fractional parts of a farm, shall not be lower than such rate increased as provided in the table below, unless a lower appraised premium rate

is found by the Corporation to be fair and just in view of the production conditions and risk of loss applicable to the fractional part of the farm:

Number of fractional parts in farm as determined by the county committee:	*Increase factor*
4	1.05
5	1.06
6	1.07
7	1.08
8	1.09
9	1.10
10	1.11
11	1.12
12	1.13
13	1.14
14	1.15
15	1.16
16	1.17
17	1.18
18	1.19
19 or more	1.20

In the event that there are four or more fractional parts of the farm and the county committee cannot determine the number of units or the units are not reasonably uniform in size, the applicable increase factor shall be determined by dividing the cotton acreage allotment for the farm under the 1942 Agricultural Conservation Program by the cotton acreage in each unit. If the result of the division is two the increase factor shall be 1.03; and if the result of the division is three, the increase factor shall be 1.04. For other results of the division, the foregoing table will apply.*

GENERAL

§ 411.36 *Meaning of terms.* For the purposes of the 1942 Cotton Crop Insurance Program, the term:

(a) "Average yield" means the average yield of lint cotton per acre established for the insurance unit by the Corporation.

(b) "Cash equivalent price per pound" means the net price per pound of lint cotton established by the Corporation for the area in which the insurance unit is located on the basis of the price of lint cotton at the applicable spot market with differentials for the location of the area in which the insurance unit is situated.

(c) "Closing date" means the final date for the area specified in § 411.45 for the submission of applications for insurance to the office of the county committee, or the beginning of the planting of the cotton crop on any of the insurance units covered by the application for insurance, whichever occurs first.

(d) "Corporation" means the Federal Crop Insurance Corporation.

(e) "Cotton crop" means only American Upland, and American Egyptian cotton when yields and rates have been approved by the Corporation, and does not include any cotton planted primarily for experimental purposes.

(f) "Crop year" means the period within which the cotton crop is planted and normally harvested, and shall be designated by reference to the calendar year in which the crop is planted.

(g) "County" means a political or civil division of a State and includes parishes in Louisiana.

(h) "County committee" means the group of persons elected within any county to assist in the administration of the agricultural conservation program in such county.

(i) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also: (1) any other adjacent or nearby farm land which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. (3) A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(j) "Insurance contract" means the contract of insurance entered into between the applicant and the Corporation by virtue of the application for insurance, Form FCI–212–C, the acceptance in writing by the county committee of the application for insurance, the Acreage Report, Form FCI–219, and these regulations, FCI–Regulations–201–C, and amendments thereto; provided that the lint cotton insurance per acre and the premium rates(s) listed in the application have been or are approved by the Corporation for the insurance unit(s) listed.

(k) "Insured percentage" means the percentage of the average yield of lint cotton per acre for the insurance unit covered by insurance, and shall be either 50 or 75 percent.

(l) "Insurance unit" with respect to each insured shall be all or a portion of the acreage considered as a farm for the purpose of establishing the average yield and premium rate in which the insured has an interest as a cotton producer at the time of planting except that when such acreage consists of land, part of which is regularly irrigated and part never irrigated or acreage upon part of which American Upland is grown and upon part of which American Egyptian is grown such acreage shall be divided into separate insurance units.

(m) "Landlord" or "owner" means a person who owns farm land and either rents such land to another person or operates it as a farm.

(n) "Lint cotton insurance per acre" means the number of pounds of lint cotton per acre for which the applicant is insured and shall be based upon the insured percentage.

(o) "Maximum insurable acreage" means the largest number of acres of cotton which may be insured on an insurance unit. Such acreage shall be the cotton acreage allotment for the insurance unit under the 1942 Agricultural Conservation Program. In the event that the insurance unit is a part of the farm for which such cotton acreage allotment is established under the 1942 Agricultural Conservation Program, the total of the maximum insurable acreages for all units constituting the farm shall not exceed such allotment, and, if the cotton planted on all such units does exceed such allotment, the maximum insurable acreage for each such unit shall be the same percentage of the acreage planted to cotton on the unit as the cotton acreage allotment for the farm is of the total acreage planted to cotton on all such units. The term cotton acreage allotment shall also mean permitted acreage where applicable. The maximum insurable acreage of American Egyptian cotton shall be 80 percent of the cropland on the farm.

(p) "Operator" means a person who as landlord or cash tenant or standing or fixed-rent tenant is operating a farm or who as a share tenant is operating a whole farm.

(q) "Person" means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(r) "Premium rate" means the premium rate per acre established by the Corporation.

(s) "Sharecropper" means a person who works a farm in whole or in part under the direction and supervision of the operator, who usually furnishes his labor and bears a specified percentage of certain production expenses and is entitled to receive a specified percentage of the crops that he produces, or a specified percentage of the proceeds therefrom.

(t) "State committee" means the group of persons designated within any State to assist in the administration of the agricultural conservation program in such State.

(u) "Tenant" means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the crop or proceeds therefrom), who bears all or a portion of the production and processing expenses, who farms independently or under the general supervision of the operator, and who is entitled under a written or oral lease or agreement to receive all or a share of the crop or proceeds therefrom produced on such land.*

§ 411.37 *Gender and plural meaning of terms.* Any term used in the masculine or in the singular shall also be construed or applied in the feminine or neuter gender, or in the plural number, wherever the context or application of such term so requires.*

§ 411.38 *Restriction on purchase and sale of cotton by the Corporation.* The restriction on the purchases and sale of cotton, as provided in section 508 (d) of the Federal Crop Insurance Act, as amended, reads as follows:

Insofar as practicable, the Corporation shall purchase the agricultural commodity only at the rate and to a total amount equal to the payment of premiums in cash by farmers or to replace promptly the agricultural commodity sold to prevent deterioration; and shall sell the agricultural commodity only to the extent necessary to cover payments of indemnities and to prevent deterioration: *Provided, however,* That nothing in this section shall prevent prompt offset purchases and sales of the agricultural commodity for convenience in handling. Nothing in this section shall prevent the Corporation from accepting, for the payment of premiums, notes payable in the commodity insured, or the cash equivalent, upon such security as may be determined pursuant to subsection (b) of this section, and from purchasing the quantity of the commodity represented by any of such notes not paid at maturity.

*

§ 411.39 *Records, access to farm.* For the purpose of enabling the Corporation to determine the loss under the insurance contract, the insured shall keep, or cause to be kept, records of the harvesting, ginning, storage, shipment, sale, or other disposition, of all cotton production on each insurance unit covered by the insurance contract. Such records shall be made available for examination by the Corporation, and as often as may reasonably be required, any person or persons designated by the Corporation shall have access to the farm.*

§ 411.40 *Review of determinations of county committees.* All determinations by county committees shall be subject to review and approval or revision by duly authorized representatives of the Corporation.*

§ 411.41 *Applicant's warranties; voidance for fraud.* The insurance contract may be voided and the premium forfeited to the Corporation without waiving any right or remedy, including its right to collect the amount or the note executed by the insured, whether before or after maturity, if at any time the insured has concealed any material fact or made any false or fraudulent statements relating to the insurance contract, the subject thereof, or his interest in the cotton crop covered thereby, or if the insured shall neglect to use all reasonable means to produce, care for or save the cotton crop covered thereby, whether before or after damage has occurred, or if the insured fails to give any notice, or otherwise fails to comply with the terms of the contract at the time and in the manner prescribed*

§ 411.42 *Modification of insurance contract.* No notice to any county committee or representative of the Corporation or knowledge possessed by any such county committee or representative or by any other person shall be held to effect a waiver of or change in any part of of the insurance contract or estop the Corporation from asserting any right or power under such contract; nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of the insurance contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers hereunder or by any requirement, act, or proceeding, on the part of the Corporation or of its representatives, relating to appraisal or to any examination herein provided for.*

§ 411.43 *Fractional units in acres and yields.* Fractions of yields per acre shall be rounded to the nearest pound. Fractions of loss costs and premium rates shall be rounded to the nearest tenth of a pound. Fractions of pounds, other than loss costs and premium rates, shall be rounded to the nearest pound. Fractions of acres representing total acres of cotton shall be rounded to the nearest tenth of an acre. Computations shall be carried to one digit beyond the digit that is to be rounded. If the extra digit computed is 1, 2, 3, or 4, the rounding shall be downward. If the extra digit computed is 6, 7, 8, or 9, the rounding shall be upward. If the extra digit computed is 5, the computation shall be carried to another digit. If the two extra digits are 50, the rounding shall be downward, and if the two extra digits are 51 or any higher figure, the rounding shall be upward.*

§ 411.44 *Forms and instructions.* The Corporation may issue such forms, instructions and procedures as may be necessary to carry out the provisions of these regulations.*

§ 411.45 *Closing dates for submission of applications.* The closing dates established by the Corporation for the submission of applications to the office of the county committee are as follows:

Alabama: March 1 for the counties of: Baldwin, Barbour, Bullock, Butler, Choctaw, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dale, Dallas, Escambia, Geneva, Henry, Houston, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Pike, Russell, Washington, and Wilcox and March 15, for all other counties in the state.

Arizona: March 1 for all counties.

Arkansas: March 15 for all counties.

California: March 1 for all counties.

Florida: March 1 for all counties.

Georgia: March 1 for the counties of: Appling, Atkinson, Bacon, Baker, Baldwin, Ben Hill, Berrien, Bibb, Bleckley, Brantley, Brooks, Bryan, Bulloch, Burke, Calhoun, Camden, Candler, Charlton, Chatham, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Columbia, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Effingham, Emanuel, Evans, Glascock, Glynn, Grady, Hancock, Houston, Irwin, Jeff Davis, Jefferson, Jenkins, Johnson, Lanier, Laurens, Lee, Liberty, Long, Lowndes, McDuffie, McIntosh, Macon, Marion, Miller, Mitchell, Montgomery, Muscogee, Peach, Pierce, Pulaski, Quitman, Randolph, Richmond, Schley, Screven, Seminole, Stewart, Sumter, Tattnall, Taylor, Telfair, Terrell, Thomas, Tift, Toombs, Treutlen, Turner, Twiggs, Ware, Warren, Washington, Wayne, Webster, Wheeler, Wilcox, Wilkinson, and Worth. March 15 for all other counties in the state.

Illinois: March 31 for all counties.

Kansas: March 31 for all counties.

Kentucky: March 31 for all counties.

Louisiana: March 1 for all counties.

Mississippi: March 1 for the counties of: Adams, Amite, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Hinds, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Pearl River, Perry, Pike, Rankin, Simpson, Smith, Stone, Walthall, Wayne, Wilkinson. March 15 for all the other counties in the state.

Missouri: March 31 for all counties.

New Mexico: March 31 for the counties of: Curry, Harding, Lea, Quay, and Roosevelt. March 1 for all other counties in the state.

North Carolina: March 15 for all counties.

Oklahoma: March 15 for the counties of: Adair, Atoka, Bryan, Canadian, Carter, Cherokee, Choctaw, Cleveland, Coal, Craig, Creek, Delaware, Garfield, Garvin, Grady, Grant, Haskell, Hughes, Jefferson, Johnston, Kay, Kingfisher, Latimer, Le Flore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Rogers, Seminole, Sequoyah, Stephens, Tulsa, Wagoner, and Washington. March 31 for all other counties in the state.

South Carolina: March 15 for all counties.

Tennessee: March 15 for all counties.

Texas: January 31 for the counties of: Cameron, Hidalgo, Starr, Willacy. March 1 for the counties of: Anderson, Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bell, Bexar, Blanco, Brazoria, Brazos, Brewster, Brooks, Burleson, Burnet, Caldwell, Calhoun, Chambers, Cherokee, Colorado, Comal, Coryell, Crockett, Culberson, De Witt, Dimmit, Duval, Edwards, El Paso, Falls, Fayette, Fort Bend, Freestone, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Hudspeth, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Llano, Loving, McCulloch, McLennan, McMullen, Madison, Mason, Matagorda, Maverick, Medina, Menard, Milam, Montgomery, Nacogdoches, Newton, Nueces, Orange, Panola, Pecos, Polk, Presidio, Real,

Reeves, Refugio, Robertson, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Shelby, Sutton, Terrell, Travis, Trinity, Tyler, Uvalde, Val Verde, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Williamson, Wilson, Winkler, Zapata, Zavala.

March 15 for the counties of: Andrews, Borden, Bosque, Bowie, Brown, Callahan, Camp, Cass, Clay, Coke, Coleman, Collin, Comanche, Concho, Cooke, Crane, Dallas, Dawson, Delta, Denton, Eastland, Ector, Ellis, Erath, Fannin, Fisher, Franklin, Gaines, Glasscock, Grayson, Gregg, Hamilton, Harrison, Henderson, Hill, Hood, Hopkins, Howard, Hunt, Irion, Jack, Johnson, Jones, Kaufman, Lamar, Marion, Martin, Midland, Mills, Mitchell, Montague, Morris, Navarro, Nolan, Palo Pinto, Parker, Rains, Reagan, Red River, Rockwall, Runnels, Scurry, Shackelford, Smith, Somervell, Stephens, Sterling, Tarrant, Taylor, Titus, Tom Green, Upshur, Upton, Van Zandt, Wise, and Wood.

March 31 for the counties of: Archer, Armstrong, Bailey, Baylor, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crosby, Dallam, Deaf Smith, Dickens, Donley, Floyd, Foard, Garza, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Hutchinson, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Stonewall, Swisher, Terry, Throckmorton, Wheeler, Wichita, Wilbarger, Yoakum, Young.

Virginia: March 15 for all counties.*

§ 411.46 *Maturity dates in 1942 for premium notes under 1942 Cotton Crop Insurance Program.* The dates established by the Corporation for the maturity of 1942 Cotton Crop Insurance premium notes are as follows:

Florida: September 15 for all counties.

Mississippi: September 15 for the counties of: Adams, Amite, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Hinds, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Pearl River, Perry, Pike, Rankin, Simpson, Smith, Stone, Walthall, Wayne, Wilkinson. September 30 for all other counties in the state.

Alabama: September 15 for the counties of: Baldwin, Barbour, Bullock, Butler, Choctaw, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dale, Dallas, Escambia, Geneva, Henry, Houston, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Pike, Russell, Washington, Wilcox. October 5 for all other counties in the state.

Georgia: September 15 for the counties of: Appling, Atkinson, Bacon, Baker, Baldwin, Ben Hill, Berrien, Bibb, Bleckley, Brantley, Brooks, Bryan, Bulloch, Burke, Calhoun, Camden, Candler, Charlton, Chatham, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Columbia, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Effingham, Emanuel, Evans, Glascock, Glynn, Grady, Hancock, Houston, Irwin, Jeff Davis, Jefferson, Jenkins, Johnson, Lanier, Laurens, Lee, Liberty, Long, Lowndes, McDuffie, McIntosh, Macon, Marion, Miller, Mitchell, Montgomery, Muscogee, Peach, Pierce, Pulaski, Quitman, Randolph, Richmond, Schley, Screven, Seminole, Stewart, Sumter, Tattnall, Taylor, Telfair, Terrell, Thomas, Tift, Toombs, Treutlen, Turner, Twiggs, Ware, Warren, Washington, Wayne, Webster, Wheeler, Wilcox, Wilkinson, Worth. October 10 for all other counties in the state.

South Carolina: October 5 for all counties.

North Carolina: October 25 for all counties.

Tennessee: October 15 for all counties.

Kentucky: October 20 for all counties.

Illinois: October 20 for all counties.

Virginia: October 20 for all counties.

Texas: August 1 for the counties of: Cameron, Hidalgo, Starr, Willacy.

September 1 for the counties of: Anderson, Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bell, Bexar, Blanco, Brazoria, Brazos, Brewster, Brooks, Burleson, Burnet, Caldwell, Calhoun, Chambers, Cherokee, Colorado, Comal, Coryell, Crockett, Culberson, De Witt, Dimmit, Duval, Edwards, El Paso, Falls, Fayette, Fort Bend, Freestone, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Hudspeth, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Llano, Loving, McCulloch, McLennan, McMullen, Madison, Mason, Matagorda, Maverick, Medina, Menard, Milam, Montgomery, Nacogdoches, Newton, Nueces, Orange, Panola, Pecos, Polk, Presidio, Real, Reeves, Refugio, Robertson, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Shelby, Sutton, Terrell, Travis, Trinity, Tyler, Uvalde, Val Verde, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Williamson, Wilson, Winkler, Zapata, Zavala.

September 15 for the counties of: Andrews, Borden, Bosque, Bowie, Brown, Callahan, Camp, Cass, Clay, Coke, Coleman, Collin, Comanche, Concho, Cooke, Crane, Dallas, Dawson, Delta, Denton, Eastland, Ector, Ellis, Erath, Fannin, Fisher, Franklin, Gaines, Glasscock, Grayson, Gregg, Hamilton, Harrison, Henderson, Hill, Hood, Hopkins, Howard, Hunt, Irion, Jack, Johnson, Jones, Kaufman, Lamar, Marion, Martin, Midland, Mills, Mitchell, Montague, Morris, Navarro, Nolan, Palo Pinto, Parker, Rains, Reagan, Red River, Rockwall, Runnels, Scurry, Shackelford, Smith, Somervell, Stephens, Sterling, Tarrant, Taylor, Titus, Tom Green, Upshur, Upton, Van Zandt, Wise, Wood.

October 20 for the counties of: Archer, Armstrong, Bailey, Baylor, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crosby, Dallam, Deaf Smith, Dickens, Donley, Floyd, Foard, Garza, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Hutchinson, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Stonewall, Swisher, Terry, Throckmorton, Wheeler, Wichita, Wilbarger, Yoakum, Young.

Louisiana: September 20 for all counties.

Arkansas: October 10 for all counties.

Missouri: October 15 for all counties.

Oklahoma: October 15 for the counties of: Adair, Atoka, Bryan, Canadian, Carter, Cherokee, Choctaw, Cleveland, Coal, Craig, Creek, Delaware, Garfield, Garvin, Grady, Grant, Haskell, Hughes, Jefferson, Johnston, Kay, Kingfisher, Latimer, Le Flore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Rogers, Seminole, Sequoyah, Stephens, Tulsa, Wagoner, Washington. October 25 for all other counties in the state.

Kansas: October 25 for all counties.

New Mexico: October 15 for all counties.

Arizona: October 15 for all counties.

California: October 1 for all counties.*

Adopted by the Board of Directors on November 5, 1941.

[SEAL] CECIL A. JOHNSON.

Approved: December 16, 1941.

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9460; Filed, December 16, 1941; 11:27 a. m.]

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[5th Supplement to General Order No. C-28]

REGULATIONS GOVERNING THE NATURALIZATION OF ALIEN ENEMIES

DECEMBER 13, 1941.

Pursuant to the authority conferred by section 327 of the Nationality Act of 1940 (54 Stat. 1150; 8 U.S.C. 727), section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458), § 90.1 of Title 8, Chapter I, Code of Federal Regulations (5 F.R. 3503) and all other authority conferred by law, the following amendment and additions to the said Title 8, Chapter I, Code of Federal Regulations are hereby prescribed:

Section 330.3 of this chapter (6 F.R. 235) is amended by changing the number of Form N-406 referred to therein to Form N-408.

The following new part is added to Subchapter D of the said regulations:

PART 335—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: ALIEN ENEMIES

Sec.
335.1 Alien enemy defined.
335.2 Naturalization of alien enemies; exceptions.
335.3 Final hearing of petition; notice by clerk of court; effect of objection.
335.4 Investigation.
335.5 Presidential exception from alien enemy classification.
335.6 Filing of declarations of intention and petitions for naturalization by alien enemies.

§ 335.1 *Alien enemy defined.* An alien who is a native, citizen, subject, or denizen of any country, state, or sovereignty with which the United States is at war, shall be considered an alien enemy for the purposes of the naturalization laws. A native of such an enemy country who subsequent to birth has become a citizen or subject of a nation with which the United States is not at war shall nevertheless be considered as an alien enemy.* (Nationality Act of 1940, sec. 326 (a), 54 Stat. 1150; 8 U.S.C. 726)

*§§ 335.1 to 335.6, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; 8 U.S.C. 727; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 C.F.R. 90.1.

Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 335.2 *Naturalization of alien enemies; exceptions.* An alien enemy as defined in § 335.1, who is otherwise entitled to naturalization except for the fact that he is an alien enemy, may be naturalized if his declaration of intention was made not less than two years nor more than seven years before the date of the beginning of the war mentioned in § 335.1, or if such alien was entitled upon such date to become a citizen of the United States without having made a declaration of intention, or if his petition for naturalization shall be pending upon such date. Such alien must conform to all of the other applicable provisions of the naturalization laws.* (Nationality Act of 1940, sec. 326 (a), 54 Stat. 1150; 8 U.S.C. 726)

§ 335.3 *Final hearing of petition: notice by clerk of court: effect of objection.* An alien enemy who comes within one or more of the classes set forth in § 335.2 shall not have his petition for naturalization called for a hearing, or heard, except after ninety days' notice to the Commissioner of Immigration and Naturalization to be represented at the hearing. Such notice shall be given to the Commissioner through the appropriate District Director of Immigration and Naturalization by the clerk of the court in which the petition is filed. The Commissioner's objection to such final hearing shall cause the petition to be continued from time to time for so long as the Commissioner may require. The objection by the Commissioner to the hearing of such a petition shall be presented to the court by the appropriate District Director of Immigration and Naturalization acting for and on behalf of the Commissioner. Once an objection to such final hearing has been made within ninety days by the Commissioner through the District Director, the petition shall be continued until such objection has been withdrawn.* (Nationality Act of 1940, sec. 326 (b), 54 Stat. 1150; 8 U.S.C. 726)

§ 335.4 *Investigation.* A thorough investigation shall be made in the case of every alien enemy whose petition for naturalization may be listed for final hearing. If as a result of such investigation, the district director is satisfied of the loyalty to the United States of the petitioner and that the petitioner is in every way qualified for citizenship, no objection shall be made to the naturalization of the petitioner solely upon the ground that such petitioner is an alien enemy. If it is necessary, in order to preserve the right to have such petition continued as provided in § 335.3, to interpose objection to final hearing before completion of the investigation, such objection may be withdrawn if the result of the investigation is satisfactory in the above respects.* (Nationality Act of 1940, sec. 326 (b), 54 Stat. 1150; 8 U.S.C. 726)

§ 335.5 *Presidential exception from alien enemy classification.* (a) An alien enemy who does not come within one or more of the classes described in § 335.2 and who has filed a petition for naturalization may, in the discretion of the President of the United States, upon investigation and report by the Department of Justice fully establishing the loyalty of such alien enemy, be excepted from such classification of alien enemy, whereupon he shall have the privilege of having a final hearing upon his petition for naturalization. Applications for such exception shall be made upon forms provided by the Immigration and Naturalization Service and shall be filed with the appropriate office of the Service. Thereupon the district director concerned shall cause a full and complete investigation to be made relative to the loyalty of such applicant and shall forward the application together with a report of his investigation and his recommendation to the Commissioner of Immigration and Naturalization, Washington, D. C., for further action.

(b) An alien enemy who has been excepted by the President of the United States from such classification shall have the privilege of having a final hearing upon his petition without being required to comply with the provisions of sections 335.3 and 335.4.* (Nationality Act of 1940, sec. 326 (b) (d), 54 Stat. 1150; 8 U.S.C. 726)

§ 335.6 *Filing of declarations of intention and petitions for naturalization by alien enemies.* Nothing in this part shall be deemed to preclude the filing of a declaration of intention or a petition for naturalization by an alien enemy. No such petition for naturalization shall be finally heard, however, except in compliance with the provisions of this part.* (Nationality Act of 1940, sec. 326, 54 Stat. 1150; 8 U.S.C. 726)

LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General, in charge.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 41-9425; Filed, December 16, 1941; 10:18 a. m.]

TITLE 13—BUSINESS CREDIT

CHAPTER I—RECONSTRUCTION FINANCE CORPORATION

AMENDMENT TO THE CHARTER OF DEFENSE PLANT CORPORATION

Reconstruction Finance Corporation hereby certifies that, pursuant to paragraph Eighth of the Charter of Defense Plant Corporation and upon the request of the Federal Loan Administrator with the approval of the President of the United States, the Charter of Defense Plant Corporation dated August 22, 1940, as amended February 15, 1941,[1] was on December 9, 1941, further amended by changing paragraph Third of said Charter to read as follows:

Third, the objects, purposes and powers of the Corporation shall be:

(a) To produce, acquire, carry, sell, or otherwise deal in strategic and critical materials as defined by the President;

(b) To purchase and lease land, purchase, lease, build, and expand plants, and purchase and produce equipment, facilities, machinery, materials, and supplies for the manufacture of strategic and critical materials, arms, ammunition, and implements of war, any other articles, equipment, facilities and supplies necessary to the national defense, and such other articles, equipment, supplies, and materials as may be required in the manufacture or use of any of the foregoing or otherwise necessary in connection therewith;

(c) To lease, sell, or otherwise dispose of such land, plants, facilities, and machinery to others to engage in such manufacture;

(d) To engage in such manufacture itself, if the President finds that it is necessary for a Government agency to engage in such manufacture;

(e) To produce, lease, purchase, or otherwise acquire railroad equipment (including rolling stock), and commercial aircraft, and parts, equipment, facilities and supplies necessary in connection with such railroad equipment and aircraft, and to lease, sell, or otherwise dispose of the same;

(f) To purchase, lease, build, expand, or otherwise acquire facilities for the training of aviators and to operate or

[1] 6 F.R. 2971.

lease, sell, or otherwise dispose of such facilities to others to engage in such training; and

(g) To take such other action as the President and the Federal Loan Administrator may deem necessary to expedite the national defense program.

The Corporation shall have power to do all things incidental to the foregoing and necessary or appropriate in connection therewith, including, but without limitation, the power to borrow and hypothecate, to adopt and use a corporate seal, to make contracts, to acquire, hold and dispose of real and personal property necessary and incidental to the conduct of its business, and to sue and be sued in any court of competent jurisdiction. The Corporation, including its franchise, its capital, reserves, surplus, income and assets, shall be exempt from all taxation now or hereafter imposed by the United States, or any Territory, dependency, or possession thereof, or by any State, county, municipality or local taxing authority, except that any real property of the Corporation shall be subject to State, Territorial, county, municipal or local taxation to the same extent according to its value as other real property is taxed. The exemptions provided for in the preceding sentence with respect to taxation shall for all purposes be deemed to include sales, use, storage and purchase taxes and shall also be construed to be applicable to personal property owned by the Corporation, but such exemptions shall not be construed to be applicable in any State to any buildings which are considered by the laws of such State to be personal property for taxation purposes. The Corporation shall be entitled to the privileges and immunities belonging to it as an instrumentality of the United States Government (including, but without limitation, the free use of the United States mails) and shall in all respects be possessed of such privileges and immunities as are conferred upon it or Reconstruction Finance Corporation under the Reconstruction Finance Corporation Act, as now or hereafter amended.

RECONSTRUCTION FINANCE CORPORATION,
By CHARLES B. HENDERSON,
Chairman.

Attest:

A. T. HOBSON,
Acting Secretary.

[F. R. Doc. 41-9451; Filed, December 16, 1941; 10:53 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendment 20-23, Civil Air Regulations]

PART 20—PILOT CERTIFICATES

AIRCRAFT OWNER TO EXAMINE PILOT CERTIFICATE

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of December, 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective December 10, 1941, Part 20 of the Civil Air Regulations is amended as follows:

By amending section 20.617 to read as follows:

§ 20.617 *Permission to use aircraft.* The owner of an aircraft shall not permit any person to operate such aircraft unless he has ascertained that such person is the holder of an appropriate currently effective pilot certificate by actual examination of the certificate and by requiring such person to identify himself as the person referred to in the certificate. If any pilot is found to have piloted an aircraft after December 10, 1941, without possessing an appropriate currently effective pilot certificate, the owner of the aircraft will be presumed to have permitted such piloting in violation of this section.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc 41-9462; Filed, December 16, 1941; 11:34 a. m.]

[Amendments 60-48 to 60-50, incl., Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

PILOT IDENTIFICATION, CLEARANCE, AND PASSENGER BAGGAGE RESTRICTIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of December, 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective December 10, 1941, Part 60 of the Civil Air Regulations is amended as follows:

1. By adding a new § 60.322 to read as follows:

§ 60.322 *Pilot identification card.* No pilot shall pilot civil aircraft in flight after January 8, 1942, except scheduled air carrier aircraft, unless he has in his possession, in addition to a currently effective pilot certificate, an identification card, satisfactory to the Administrator, containing his fingerprints, his picture, and his signature.

2. By adding a new § 60.3305 to read as follows:

§ 60.3305 *Pilot clearance.* No pilot of a civil aircraft, except scheduled air carrier aircraft, shall take off from any landing area unless, immediately prior to take-off, he shall have (a) received clearance from a police officer or other public representative designated at such landing area for that purpose and present at such landing area at the time clearance is granted, and (b) filed with such police officer or other public representative a written statement showing the type, color, and identification mark of the aircraft, the estimated time of departure, the point of next intended landing, the route to be followed, and the estimated time of arrival: *Provided,* That if a pilot contemplates a series of take-offs and landings for instruction, practice, or flight-testing, one clearance only need be secured for such series and, in lieu of the statement described in (b) above, he may file a statement including the type, color, and identification mark of the aircraft and setting forth his intention to engage in landing and take-off instruction or practice or flight-testing and the approximate duration of such operation. A clearance shall be granted to any person who demonstrates to the satisfaction of the police officer or other public representative to whom application is made that he is the holder of a currently effective pilot certificate and, after January 6, 1942, presents the identification card required by § 60.322. No clearance issued under this section shall be deemed to authorize a violation of any regulation.

3. By adding a new § 60.349 to read as follows:

§ 60.349 *Passenger baggage restrictions.* A pilot shall not pilot any aircraft, except scheduled air carrier aircraft, in flight carrying a passenger's baggage or cargo unless every item of such baggage or cargo has been thoroughly searched by the pilot, or a person designated by him, immediately prior to taking off for the flight and placed in the aircraft by the pilot or a person designated by him (with no possession by any other person intervening between such search and the placing of the baggage or cargo in the aircraft). If such baggage or cargo includes a camera, such camera shall be placed in a closed compartment or space in the aircraft completely inaccessible to all passengers during the flight. Any pilot shall permit the search of his aircraft upon demand by any representative of the Army, Navy, Civil Aeronautics Administration, Civil Aeronautics Board or by civil police.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-9461; Filed, December 16, 1941; 11:34 a. m.]

PART 66—FOREIGN AIR CARRIER REGULATIONS

Correction

The identification in brackets appearing at the head of F.R. Doc. 41-9305 on

page 6348 of the issue for December 11, 1941 is corrected to read as follows:

[Amendment 66-0, Civil Air Regulations]

CHAPTER II—ADMINISTRATOR OF CIVIL AERONAUTICS, DEPARTMENT OF COMMERCE

PART 601—DESIGNATION OF CONTROL AIRPORTS AND AIRWAY TRAFFIC CONTROL AREAS AND REPEAL OF CERTAIN CONTROL ZONES OF INTERSECTION

DECEMBER 12, 1941.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation of the Civil Aeronautics Board Serial No. 197, and finding that this action is necessary in the interest of safety and for the proper control of air traffic, I hereby make and promulgate the following regulations designating certain control airports and airway traffic control areas and repealing the designation of certain control zones of intersection:

Sec.

§ 601.1 *Airway traffic control areas.* The following airway traffic control areas are hereby designated:

§ 601.100 *Amber civil airway No. 6 airway traffic control areas (Jacksonville, Fla., to U. S.-Canadian Border).* All of amber civil airway No. 6.

§ 601.101 *Amber civil airway No. 7 airway traffic control areas (Key West, Fla., to Caribou, Me.).* Those portions of amber civil airway No. 7: From the Key West, Fla., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles northeast of the Florence, S. C., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles north of the Raleigh, N. C., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles northeast of the Hartford, Conn., radio range station.

§ 601.102 *Red civil airway No. 9 airway traffic control areas (Tallahassee, Fla., to Alma, Ga.).* All of red civil airway No. 9.

§ 601.103 *Red civil airway No. 10 airway traffic control areas (Amarillo, Tex., to Charleston, S. C.)* Those portions of red civil airway No. 10: From a line extended at right angles across such airway through a point on the center line thereof 25 miles northwest of the Clarendon, Tex., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles west of the Shreveport, La., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Jackson, Miss., radio range station, to the Charleston, S. C., radio range station.

§ 601.104 *Red civil airway No. 16 airway traffic control areas (Augusta, Ga., to Charleston, S. C.).* All of red civil airway No. 16.

§ 601.105 *Red civil airway No. 25 airway traffic control areas (Daytona Beach, Fla., to Miami, Fla.).* All of red civil airway No. 25.

§ 601.106 *Red civil airway No. 30 airway traffic control areas (Mobile, Ala., to Jacksonville, Fla.).* That portion of red civil airway No. 30: From a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Mobile, Ala., radio range station, to the Jacksonville, Fla., radio range station.

§ 601.107 *Blue civil airway No. 3 airway traffic control areas (Memphis, Tenn., to Tampa, Fla.).* Those portions of blue civil airway No. 3: From a line extended at right angles across such airway through a point on the center line thereof 25 miles northwest of the Muscle Shoals, Ala., radio range station, to the Tampa, Fla., radio range station.

§ 601.108 *Blue civil airway No. 19 airway traffic control areas (Melbourne, Fla., to Orlando, Fla.).* All of blue civil airway No. 19. (For a list of airway traffic control areas, see *Air Navigation Radio Aids* published periodically by the Administrator.)

§ 601.2 *Control zones of intersection.* The designation of the following control zones of intersection are hereby repealed: Alma, Ga.; Charleston, S. C.; Daytona Beach, Fla.; Jacksonville, Fla.; Melbourne, Fla.; Miami, Fla.; Orlando, Fla.; Tallahassee, Fla.; Tampa, Fla. (For a list of control zones of intersection, see *Air Navigation Radio Aids* published periodically by the Administrator.)

§ 601.3 *Control airports.* The following airports are designated as control airports:

City	*Name of airport*
Albany, Ga.	Albany New Municipal Airport.
Baltimore, Md.	Baltimore Municipal Airport.
Bristol, Tenn.	Tri-City Airport.
Chattanooga, Tenn.	Lovell Field.
Columbia, S. C.	Owens Field.
Daytona Beach, Fla.	Daytona Beach Airport.
Dothan, Ala.	Dothan Airport.
Fort Myers, Fla.	Lee County Airport.
Greensboro, N. C.	Greensboro - High Point Airport.
Greenville, S. C.	Greenville Airport.
Greenwood, Miss.	Greenwood Airport.
Key West, Fla.	Meacham Airport.
Knoxville, Tenn.	McGhee - Tyson Airport.
Macon, Ga.	Herbert Smart Airport.
Mobile, Ala.	Mobile Municipal Airport.
Muscle Shoals, Ala.	Muscle Shoals Airport.
Raleigh, N. C.	Raleigh Airport.
Spartanburg, S. C.	Memorial Airport.
Tampa, Fla.	Peter O. Knight Airport.

(For a list of control airports, see *Air Navigation Radio Aids* published periodically by the Administrator.)

This regulation shall become effective 12:01 A. M., E. S. T., December 15, 1941.

DONALD H. CONNOLLY,
Administrator of Civil Aeronautics.

[F. R. Doc. 41-9426; Filed, December 16, 1941; 10:24 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50529]

PART 27—REGULATIONS UNDER TRADING WITH THE ENEMY ACT

COMMUNICATIONS OUTSIDE THE MAILS

Amendment to Regulations Under Sec. 3 (c) of the Trading With the Enemy Act, Approved October 6, 1917, and Section XI of the Executive Order Dated October 12, 1917.

DECEMBER 15, 1941.

T.D. 50525 (6 F.R. 6404), dated December 11, 1941, is hereby amended as follows:

Strike the phrases "Japan and allies of Japan" or "Japan or allies of Japan" wherever they appear, and insert in lieu thereof the phrase "Japan, Italy, and Germany and allies thereof, including Bulgaria, Rumania, and Hungary".

Add a new paragraph numbered (11) to read as follows:

The phrase "an enemy or ally of an enemy" wherever used herein shall mean "enemy" or "ally of enemy" as those terms are defined in section 2 of the Trading with the enemy Act, approved

October 6, 1917. (Sections XI and XIII of E.O. 2729–A, Oct. 12, 1917)

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41–9463; Filed, December 16, 1941; 11:36 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A–113]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR RECLASSIFICATION OF CERTAIN COALS PRODUCED BY ALLBURN COLLIERIES COMPANY

An original petition having been filed with the Bituminous Coal Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 by District Board 8, requesting reclassification from "C" to "E" of coals in Size Groups 18–21 produced for shipment by rail at the Allburn Mine (Mine Index No. 8) of Allburn Collieries Company, a code member in District 8;

The Director having granted temporary relief and having provided for conditionally final relief; a petition of intervention thereto having been filed by District Board 2;

Thereafter, a hearing in this matter having been held, pursuant to Order of the Director, before a duly designated Examiner of the Division, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The parties having waived the preparation and filing of a report by the Examiner, and the record having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact, and Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That commencing fifteen (15) days from the date of this Order § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 8 for all Shipments Except Truck (High Volatile) be and it is hereby amended by changing the classification of the coals in Size Groups 18–21 of the Allburn Mine (Mine Index No. 8) of the Allburn Collieries Company from "C" to "E", for shipments to all destinations in all market areas.

Dated: December 15, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–9436; Filed, December 16, 1941; 10:31 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

JAPANESE NATIONALS RESIDENT ONLY IN UNITED STATES SINCE JUNE 17, 1940

General License No. 68A Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, Etc.

DECEMBER 15, 1941.

§ 131.68a *General License No. 68A.* (a) A general license is hereby granted:

(1) Licensing as a generally licensed national any individual who is a national of Japan and who has been residing only in the continental United States at all times on and since June 17, 1940, and

(2) Licensing as a generally licensed national any partnership, association, corporation or other organization within the continental United States which is a national of Japan solely by reason of the interest therein of a person or persons licensed as generally licensed nationals pursuant to this general license.

(b) This general license shall not be deemed to license as a generally licensed national:

(1) Any individual, partnership, association, corporation or other organization on the premises of which the Treasury Department maintains a representative or guard or on the premises of which there is posted an official Treasury Department notice that the premises are under the control of the United States Government, or

(2) Any bank, trust company, shipping concern, steamship agency, or insurance company, or

(3) Any person who, on or since the effective date of the Order, has represented or acted as agent for any person located outside the continental United States or for any person owned or controlled by persons located outside the continental United States, or

(4) Any person who on or since the effective date of the Order has acted or purported to act directly or indirectly for the benefit or on behalf of any blocked country, including the government thereof, or any person who is a national of Japan by reason of any fact other than that such person has been domiciled in, or a subject or citizen of, Japan at any time on or since the effective date of the Order.

(c) A report on the appropriate series of Form TFR–300 shall be filed with the appropriate Federal Reserve Bank within 30 days after the date hereof with respect to the property interests of every person licensed herein as a generally licensed national if the total value of the property interests to be reported is $1,000 or more.

(d) Every business enterprise licensed herein as a generally licensed national shall also file with the appropriate Federal Reserve Bank within 30 days after the date hereof an affidavit setting forth the information required by Form TFBE–1, if the total value of all property interests of such business enterprise is in excess of $5,000.

(e) Banking institutions within the United States effecting payments, transfers or withdrawals in excess of $1,000 during any month from the account of any person licensed as a generally licensed national hereunder, shall file promptly with the appropriate Federal Reserve Bank a report showing the details of such transactions.

(f) This general license shall not authorize any transaction which, directly or indirectly, substantially diminishes or imperils the assets within the continental United States of any national of Japan or otherwise prejudicially affects the financial position of such national within the continental United States.

(g) As used in this general license, the term "business enterprise" shall mean any individual proprietorship, partnership, association, corporation or other organization engaged in commercial or other business activities within the continental United States. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, and E.O. 8963, December 9, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41–9419; Filed, December 15, 1941; 4:28 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[Amendment No. 114]

AMENDING THE REGULATIONS SO AS TO PROVIDE FOR THE RECLASSIFICATION IN TIME OF WAR OF PERSONS IN CLASS IV–A

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective immediately upon the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three,[1] Section XXIV, Paragraph 357, by striking out the present paragraph and substituting in lieu thereof the following:

[1] 5 F.R. 3923.

357. *Class IV–A: Man who has completed service.* *a.* In time of peace, there shall be placed in Class IV–A any registrant who falls within any of the following categories:

1. Any person who shall have satisfactorily served as an officer or enlisted man for at least 3 consecutive years in the Regular Army, Navy, Marine Corps, or Coast Guard; or any enlisted man who has been or is hereafter honorably discharged from the Regular Army or the Coast Guard for the convenience of the Government within 6 months prior to the completion of his regular 3-year period of enlistment.

2. Any person who as a member of the active National Guard shall have satisfactorily served as an officer or enlisted man for at least 1 year in active Federal service in the Army of the United States and subsequent thereto for at least 2 consecutive years in the Regular Army or in the active National Guard.

3. Any person who is an officer or enlisted man in the active National Guard at the time fixed for registration, and who shall have satisfactorily served therein for at least 6 consecutive years.

4. Any person who is an officer in the Officers' Reserve Corps on the eligible list at the time fixed for registration, and who shall have satisfactorily served therein on the eligible list for at least 6 consecutive years.

5. Any person who as a member of the Naval Reserve or the Marine Corps Reserve shall have satisfactorily served for at least 3 consecutive years on active duty.

6. Any person who as a member of the Naval Reserve or the Marine Corps Reserve shall have satisfactorily served for at least 1 year on active duty and for at least 2 consecutive years in the Regular Navy or Marine Corps or with an organized unit of the Naval Reserve or the Marine Corps Reserve.

7. Any person who is an officer or enlisted man in the organized Naval Reserve or in the organized Marine Corps Reserve at the time fixed for registration, and who shall have satisfactorily served therein for at least 6 consecutive years.

8. Any person who is an officer or enlisted man in the Naval Merchant Marine Reserve or Volunteer Naval Reserve or Volunteer Marine Corps Reserve at the time fixed for registration, and who shall have satisfactorily served therein for at least 8 consecutive years.

9. Members of the United States Coast Guard Reserve, other than temporary members, shall receive the same classification as members of the Naval Reserve.

b. In time of war, no person shall be placed in Class IV–A and all persons previously placed in Class IV–A shall be reclassified and placed in some other classification.

LEWIS B. HERSHEY,
Director.

DECEMBER 12, 1941.

[F. R. Doc. 41–9417; Filed, December 15, 1941; 12:36 p. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

PRICE SCHEDULE NO. 56—RECLAIMED RUBBER

The continuity of imports of crude rubber from the Far East is seriously threatened as a result of the outbreak of war with Japan. It has therefore become necessary to restrict consumption of crude rubber to a filling of military and essential civilian needs. This restriction upon the processing of crude rubber is expected to cause a marked increase in the use of all materials that serve as substitutes for crude rubber. The demand for reclaimed rubber, in particular, may be expected to expand sharply, thereby producing strong upward pressure upon its price. The Office of Price Administration has determined after investigation and after conference with members of the industry that an increase in prices above the present levels will not increase the supply of reclaimed rubber.

It is of vital importance to the nation's war effort that the process of substitution of reclaimed rubber for crude rubber should be facilitated in every possible manner by holding the cost of such substitution to a minimum. Consequently, the present emergency demands that maximum prices for reclaimed rubber be established.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1315.51 *Maximum prices for reclaimed rubber.* (a) On or after December 20, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, reclaimed rubber, and no person shall buy, offer to buy, or accept delivery of reclaimed rubber, at prices higher than the maximum price.

(b) (1) The maximum price shall be the highest price received by the seller for a sale during the period between November 5, 1941 and December 5, 1941, of reclaimed rubber of the same grade and quality, and of a comparable amount, to the same purchaser.

(2) If no such sale to the same purchaser was made, the maximum price shall be the highest price received by the seller for a sale during such period, of reclaimed rubber of the same grade and quality, and of a comparable amount, to a purchaser previously accorded similar treatment by the particular seller or recognized by the trade as entitled to similar treatment.

(3) If, for any grade and quality of reclaimed rubber, no sale was made during the period between November 5, 1941, and December 5, 1941, either to the same purchaser or to a purchaser so entitled to similar treatment, the maximum price for that grade and quality shall be a price which bears the same relationship to prices actually received by the seller during such period for other grades and qualities, as the price of that particular grade and quality normally bears to prices of such other grades and qualities.*

*§§ 1315.51 to 1315.60, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1315.52 *Less than maximum prices.* Lower prices than those set forth in § 1315.51 may be charged, demanded, paid or offered.*

§ 1315.53 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of reclaimed rubber, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or by tying-agreement or other trade understanding, or by making discounts or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 5, 1941, or by any other means.*

§ 1315.54 *Filing of prices.* On or before January 15, 1942, every person who sells reclaimed rubber shall file with the Office of Price Administration:

(a) Any printed price lists or quoted prices, including a complete statement of all terms and discounts, that were in effect during the period between November 5, 1941 and December 5, 1941.

(b) Prices which he received from each of his purchasers for each of his grades and qualities of reclaimed rubber on all sales made during the period between November 5, 1941 and December 5, 1941.*

§ 1315.55 *Records and reports.* Every person making sales or purchases of reclaimed rubber after December 20, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each grade and quality of reclaimed rubber purchased or sold, and (b) the quantity of each grade and quality of re-

claimed rubber (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time require.*

§ 1315.56 *Affirmations of compliance.* On or before January 10, 1942, and on or before the 10th day of each month thereafter, every person, who, during the preceding calendar month has sold reclaimed rubber, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 156:1, containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 156:1 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1315.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of evasion or attempt to evade the price limitations, or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government both state and federal are fully exerted in order to protect the public interest and the interests of those persons who comply with the Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits, and (d) that the Rubber Reserve Company and the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof are urged to communicate with the Office of Price Administration.*

§ 1315.58 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1315.59 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity;

(b) "Reclaimed rubber" means all kinds, grades and qualities of the rubber material recovered from any vulcanized scrap rubber products.*

§ 1315.60 *Effective date of the schedule.* The Schedule shall become effective on December 20, 1941.

Issued this 16th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9452; Filed, December 16, 1941; 11:19 a. m.]

PART 1330—CONTAINERS

PRICE SCHEDULE NO. 55—SECOND HAND BAGS

The availability of large quantities of burlap and cotton bags is an important concern of Agriculture and National Defense. Curtailment of the supply of burlap, substantially all of which must be imported from India, is now threatened by the hostilities in the Pacific. The capacity of the cotton textile industry to produce fabrics of the type used for bagging purposes is inadequate to produce sufficient quantities to meet the increased demands of war-time economy, particularly to the extent that cotton bagging may have to be substituted for burlap.

The price of second hand bags has approximately doubled since January 1, 1941. Such increases add to the cost of packaging agricultural and other commodities to an unwarranted extent and cannot serve to augment the supply. Further unjustified price advances are now threatened unless remedial action is taken.

It is contemplated that, after completion of studies now being made by the Office of Price Administration, a revised schedule covering second hand bags may be issued. If the studies so justify, maximum prices lower than those set forth herein may be established.

Accordingly, under the authority vested in my by Executive Order No. 8734, it is hereby directed that:

§ 1330.51 *Maximum prices for second hand bags.* (a) On and after December 16, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer second hand bags at prices higher than the maximum prices established herein.

(b) (1) The maximum price shall be the highest price contracted for or received by the seller for the sale or delivery, during the period between November 15, 1941 to December 6, 1941, inclusive, of second hand bags of the same type, size, weight, grade, and comparable quantity, to a purchaser of the same general class.

(2) If during such period, no such sale or delivery was made, the maximum price shall be the price contracted for or received by the seller for the last sale or delivery made prior to November 15, 1941, of second hand bags of the same type, size, weight, grade, and comparable quantity, to a purchaser of the same general class.

(3) In all other cases, the maximum price shall be the highest market price during the period from November 15 to December 6, 1941, of second hand bags of the same type, size, weight, and grade, to purchasers of the same general class.*

*§§ 1330.51 to 1330.69, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1330.52 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid or offered.*

§ 1330.53 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of second hand bags, alone or in conjunction with any other material, or by way of any premium, commission, service, transportation, or other charge, or by a tying-agreement or other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 6, 1941, or by any other means.*

§ 1330.54 *Filing of prices.* On or before January 10, 1942, every person who, during any single calendar month of 1941, sold more than one thousand second hand bags shall file with the Office of Price Administration, a list of all sales and deliveries made during the period of November 15, 1941 to December 6, 1941, showing with respect to each sale or delivery (a) the date thereof; (b) the name and address of the purchaser; (c) the quantity of each type, size, weight, and grade of second hand bags sold or delivered; and (d) the price contracted for or received for each type, size, weight and grade of second hand bag.*

§ 1330.55 *Records and reports.* Every person making sales of second hand bags after December 16, 1941, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records (a) of each such sale in aggregate lots of 100 bags or more, showing the date thereof, the name and address of the buyer, the price contracted for or received, and the quantity of each type, size, weight and grade of second hand bags sold; and (b) the quantity of each type, size, weight, and grade of second hand bags (1) on hand and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1330.56 *Affirmations of compliance.* On or before the 10th day of January,

1942, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month, has sold more than one thousand second hand bags, whether for immediate or future delivery, shall submit to the Office of Price Administration an Affirmation of Compliance on Form 155:1, containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 155:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit Affirmations of Compliance hereunder.*

§ 1330.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule, which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of second hand bags, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1330.58 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1330.59 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Second hand bag" means a container composed of burlap, cotton cloth or other textile material which has been used once or more to package any product and thereafter emptied, and sold for re-use as a container.*

§ 1330.60 *Effective date of the schedule.* This Schedule shall become effective December 16, 1941.*

Issued this 16th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9450; Filed, December 16, 1941; 10:40 a. m.]

PART 1347—PAPER AND PAPER PRODUCTS

AMENDMENT NO. 3 OF PRICE SCHEDULE NO. 30—WASTEPAPER SOLD EAST OF THE ROCKY MOUNTAINS

Section 1347.10,† *Appendix A,* is amended to read as follows:

§ 1347.10 *Appendix A; maximum prices for wastepaper sold east of the Rocky Mountains* [1]—(a) *Grades and maximum prices per short ton f. o. b. point of shipment.*

Grades	*Maximum prices* [2] *per short ton* [3] *f. o. b. point of shipment* [4]
No. 1 Mixed Paper [5]	$14.00
No. 1 Baled News [6]	15.00
Overissue News [7]	17.00
Old Corrugated Containers [8]	16.50
Old Kraft Corrugated Containers [9]	27.00
New Corrugated Cuttings [10]	18.00
Box Board Cuttings [11]	14.50
White Blank News [12]	33.00
Extra Manilas [13]	37.00
New Manila Envelope Cuttings [14]	53.00
One Cut New Manila Envelope Cuttings [15]	57.50
Manila Tabulating Cards, Plain Manila Color, free from groundwood [16]	45.00
Manila Tabulating Cards, Colored, free from groundwood [17]	30.00
Manila Tabulating Cards, Groundwood, Plain Manila Color [18]	27.00
Manila Tabulating Cards, Groundwood, Colored [19]	20.00
No. 1 Hard White Shavings, unruled [20]	57.50
No. 1 Hard White Shavings, ruled [21]	50.00
Hard White Envelope Cuttings [23]	62.50
One Cut Hard White Envelope Cuttings [22]	67.50
No. 1 Soft White Shavings [24]	50.00
One Cut Soft White Shavings [25]	57.50
Miscellaneous Soft White Shavings [26]	43.00
No. 1 Fly Leaf Shavings [27]	33.50
No. 2 Fly Leaf Shavings [28]	22.50
No. 1 Groundwood Fly Leaf Shavings [29]	25.00
No. 2 Mixed Colored Groundwood Shavings [30]	18.00
Mixed Colored Shavings [31]	15.00
No. 1 Heavy Books and Magazines [32]	31.50
Mixed Books [33]	20.50
Overissue Magazines [34]	33.50
No. 1 Mixed Ledger (Colored Ledger) [35]	37.50
No. 1 White Ledger [36]	43.50
No. 1 Assorted Kraft (Old Kraft) [37]	35.00
Triple Sorted No. 1 Brown Soft Kraft [38]	50.00
Mixed Kraft Envelope and/or Bag Cuttings [39]	55.00
Kraft Envelope Cuttings [40]	65.00
New 100% Kraft Corrugated Cuttings [41]	45.00

When used in these footnote definitions the terms:

"Objectionable papers" include carbon, waxed, paraffined, oil treated, greased, glazed, parchment, asphalt, tar, wall, friction board, book-covers, cloth bound, heavy cores, tympan, pressboard, used billboard stock, paper-wrapped excelsior, felt furniture pads, paper twine, uncut printer's rolls, and paper strings; and

"Foreign Materials" include every non-paper substance that can not be manufactured into paper, including, but in no way limiting the generality of the above: cellophane, rags, rubbers, strings, vulcanized fibre, metals and rubbish of all kinds.

[1] "East of the Rocky Mountains" includes all of the area of the continental United States except the states of California, Oregon, Washington, Idaho, Utah, Nevada, New Mexico, Arizona, Wyoming and Montana.

[2] All prices represent the maximum prices for the respective grades of wastepaper, the highest qualities of which are defined in the footnotes below. Other qualities of wastepaper of the grades defined must be sold at or below the maximum prices established. The prices established in this Schedule are the maximum prices to be charged or paid and no differentials or service charges other than those specifically provided in this Appendix are to be added.

[3] In all instances tare is not to exceed 2% of the gross weight per bale.

[4] All prices established by this Schedule shall be for wastepaper f. o. b. freight cars, trucks, or barges at the point of shipment, or, in case of exports, f. a. s. the vessel at the port of export. The point of shipment shall be the point at which the wastepaper is first loaded on a conveyance for transportation to the buyer. Sales may be made on a delivered basis, but such sales must be at prices not in excess of the maximum prices established by this Schedule, plus actual transportation costs. If the producer or jobber uses his own trucks for delivery, the transportation cost to be added must not exceed the cost of transporting a similar shipment at the lowest published rate of a common carrier by motor; or, if no such common carrier rate is published, then the transportation cost shall not exceed the lowest available transportation rate for effecting the delivery. These costs must be shown as a separate item in all records and invoices.

To the prices established by this Schedule, in appropriate cases, may be added one of the following allowances:

(a) If the wastepaper is transported to and loaded on freight cars or barges by, or at the expense of, the jobber or producer, an amount equal to the actual cost of such transportation and loading may be added to the maximum prices established by this Schedule, to cover the cost of such transportation and loading, which additional amount, if any, must be listed as a separate item on the invoice, but may in no event exceed $1.00 per short ton even though the cost of such transportation and loading may in some cases be higher. No such charge may be added in the event the jobber or producer has not kept the records required by § 1347.4 and filed in proper form any affirmations of compliance required of him by § 1347.5, or in the event the producer or jobber has available upon or adjacent to the premises at the point of shipment, a rail siding or dock suitable for loading the wastepaper to be shipped.

(b) If the wastepaper to be exported for the purpose of papermaking has been baled to meet the requirements of maritime handling and is transported to the dock or other place of delivery to an ocean carrier for export shipment at the expense of the jobber or producer, an amount equal to the actual cost of such baling and transportation may be added to the maximum prices established by this Schedule to cover the cost of such baling and transportation, which additional amount, if any, must be listed as a separate item on the invoice, but may in no event exceed $3.00 per short ton, even though the cost of such baling and transportation may in some cases be higher. No such charge may be added in the event the jobber or producer has not kept the records required by § 1347.4 and filed in

† 6 F.R. 5535.

proper form any affirmations of compliance required of him by § 1347.5.

[5] "No. 1 Mixed Paper" shall consist of clean, dry wastepaper free from objectionable papers and foreign materials and packed in bales, and shall include, without in any way limiting the generality of the foregoing, wastepaper sometimes described as super-mixed, repacked mixed, dry goods waste, department store waste, country packing, printer's waste, container manila, print manila, and so forth.

[6] "No. 1 Baled News" shall consist of clean, dry, sorted and repacked newspapers free from foreign materials, objectionable and mixed papers and packed in large machine compressed bales weighing 650 pounds or more.

[7] "Overissue News" shall consist of all-white, large size, overrun newspapers from a newspaper office (not over 60 days old) and must be packed in securely tied bundles, small or large bales.

[8] "Old Corrugated Containers" shall consist of used corrugated or solid fibre containers free from foreign materials, mixed and objectionable papers and packed in large machine compressed bales weighing 650 pounds or more.

[9] "Old Kraft Corrugated Containers" shall consist of used containers of 90% to 100% kraft content, clean and dry, free from foreign materials, objectionable and mixed papers and packed in large machine compressed bales weighing 650 pounds or more. If kraft content is less than 90%, the packing shall be designated "Old Corrugated Containers."

[10] "New Corrugated Cuttings" shall consist of new corrugated cuttings of "jute" from a corrugating plant, or solid fibre or corrugated container converting plant, and shall be free from foreign materials, mixed and objectionable papers. Must be packed in small or large bales.

[11] "Boxboard Cuttings" shall consist of clean, dry cuttings from paperboard converting plants or other users of paperboard, free from objectionable and mixed papers and foreign materials, packed in large machine compressed bales weighing 650 pounds or more.

[12] "White Blank News" shall consist of clean, dry, white news cuttings or sheets, free from mixed and objectionable papers and foreign materials and packed in large machine compressed bales weighing 650 pounds or more.

[13] "Extra Manilas" shall consist of clean, dry, unprinted manila paper of uniform natural manila color, free from yellow news blanks, paper towels, canary colored blanks, goldenrod and bogus stock, as well as mixed and objectionable papers and foreign materials, and packed in large machine compressed bales weighing 650 pounds or more.

[14] "New Manila Envelope Cuttings" shall consist of clean, dry, new manila cuttings or sheets of miscellaneous shades from envelope factories, free from printed stock of any kind, mixed and objectionable papers and foreign materials and must be packed in small or large bales.

[15] "One Cut New Manila Envelope Cuttings" shall consist of one cut, one shade, clean, dry, new manila cuttings or sheets from envelope factories containing not more than 10% groundwood and free from printed stock of any kind, mixed and objectionable papers and foreign materials. Must be packed in small or large bales.

[16] "Manila Tabulating Cards, Plain Manila Color, Free From Groundwood" shall consist of clean, dry, punched or unpunched printed manila tabulating cards of plain manila color, free from all other colors, from groundwood, and from mixed and objectionable papers and foreign materials. Must be packed in bales or bags. If any colored cards are included, the packing shall be designated, "Manila Tabulating Cards, Colored, Free From Groundwood". If any groundwood is included, the packing shall take the appropriate groundwood classification.

[17] "Manila Tabulating Cards, Colored, Free From Groundwood" shall consist of clean, dry, punched or unpunched printed manila tabulating cards of colored stock, free from all groundwood and from mixed and objectionable papers and foreign materials. Must be packed in bales or bags. If any groundwood is included the packing shall be designated, "Manila Tabulating Cards, Groundwood, Colored".

[18] "Manila Tabulating Cards, Groundwood, Plain Manila Color" shall consist of clean, dry punched or unpunched printed manila tabulating cards of plain manila color, free from all other colors; containing groundwood, free from mixed and objectionable papers and foreign materials. Must be packed in bales or bags. If any colored cards are included, the packing shall be designated "Manila Tabulating Cards, Groundwood, Colored."

[19] "Manila Tabulating Cards, Groundwood, Colored" shall consist of clean, dry punched or unpunched printed manila tabulating cards of colored stock, containing groundwood, free from mixed and objectionable papers and foreign materials. Must be packed in bales or bags.

[20] "No. 1 Hard White Shavings, Unruled" shall consist of clean, dry unruled bond or writing paper shavings, free from colors and tints, parchment and groundwood, and from mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more. If any ruled paper is present in the bale, the packing shall be designated, "No. 1 Hard White Shavings, Ruled".

[21] "No. 1 Hard White Shavings, Ruled" shall consist of clean, dry ruled and unruled, bond or writing paper shavings, free from colors and tints, parchment and groundwood and from mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[22] "Hard White Envelope Cuttings" shall consist of clean, dry bond or writing paper shavings of miscellaneous shades free from all colors and tints parchment and groundwood, and from mixed and objectionable papers and foreign materials. Must be packed in small or large bales or in securely tied packages.

[23] "One Cut Hard White Envelope Cuttings" shall consist of one cut, one shade, clean, dry bond or writing paper shavings containing sulphite or rags or a mixture of both, and free from all colors and tints, parchment and groundwood, and from mixed and objectionable papers and foreign materials. Must be packed in small or large bales or in securely tied packages.

[24] "No. 1 Soft White Shavings" shall consist of clean, dry, unprinted all-white bookpaper shavings, free from all colors and tints, parchment and groundwood as well as mixed and objectionable papers and foreign materials, and containing not more than 10% coated white paper stock and calcium. Must be packed in large machine compressed bales weighing 650 pounds or more. If more than 10% coated white paper stock is present, the packing shall be designated, "Miscellaneous Soft White Shavings".

[25] "One Cut Soft White Shavings" shall consist of one cut, one shade, clean, dry, unprinted, all-white bookpaper shavings, free from all colors and tints, parchment and groundwood as well as mixed and objectionable papers and foreign materials, and containing not more than 10% coated white paper stock and calcium. Must be packed in large machine compressed bales weighing 650 pounds or more. If more than 10% coated white paper stock is present the packing shall be designated "Miscellaneous Soft White Shavings".

[26] "Miscellaneous Soft White Shavings" shall consist of clean, dry, unprinted, all-white bookpaper shavings of various shades, free from all colors and tints, parchment and groundwood as well as mixed and objectionable papers and foreign materials and containing in excess of 10% coated white paper stock and calcium. Must be packed in large machine compressed bales weighing 650 pounds or more.

[27] "No. 1 Fly Leaf Shavings" shall consist of magazine and/or catalog trim and shall contain the bleed of the cover and insert stock, but shall be free from all solid color stock, groundwood stock and objectionable papers and foreign materials. Must be packed in small or large bales. If any groundwood is present, the packing shall be designated, "No. 1 Groundwood Fly Leaf Shavings".

[28] "No. 2 Fly Leaf Shavings" shall consist of magazine and catalog trim and may contain cover and insert stock which may consist of solid color and other color stock but shall be free from groundwood stock and objectionable papers and foreign materials. Must be packed in small or large bales. If any groundwood is present, the packing shall be designated, "No. 2 Mixed Colored Groundwood Shavings".

[29] "No. 1 Groundwood Fly Leaf Shavings" shall consist of telephone book and magazine trim, free of all bleed and coated stock, consisting of all white paper except colored cover stock. This grade shall be free from objectionable papers and foreign materials and must be packed in small or large bales. If any bleed and coated stock is present, the packing shall be designated, "No. 2 Mixed Colored Groundwood Shavings".

[30] "No. 2 Mixed Colored Groundwood Shavings" shall consist of a mixture of white and colored trim, including bleed and printed stock throughout, but free from rotogravure stock and objectionable papers and foreign materials. Must be packed in small or large bales.

[31] "Mixed Colored Shavings" shall consist of a mixture of white and colored trim, including bleed, printed and rotogravure stock, free from objectionable papers and foreign materials. Must be packed in small or large bales.

[32] "No. 1 Heavy Books and Magazines" shall consist of dry, clean books and magazines containing not over 2% groundwood and/or outthrows, free from shavings and crumpled stock, heavily inked, deeply colored, gilt, aluminum and varnished cover stock, lithographed, parchment, groundwood, rotogravure and cover papers, as well as mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[33] "Mixed Books" shall consist of dry, clean books and magazines containing not over 25% total outthrow, including kraft and groundwood, free from mixed and objectionable papers and foreign materials. Must be packed in small or large bales or securely tied bundles.

[34] "Overissue Magazines" shall consist of clean, dry, fresh, overrun and misprint, unsold magazines and books, quire waste and stitchless stock. Coated stock shall not exceed 5% of the gross weight of any one delivery. Must be packed in small or large bales or securely tied bundles.

[35] "No. 1 Mixed Ledger (Colored Ledger)" shall consist of white and light colored ledger and writing waste containing not more than 2% groundwood and/or outthrows, free from mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[36] "No. 1 White Ledger" shall consist of white ledger and writing waste containing not more than 2% groundwood and/or outthrows, free from mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[37] "No. 1 Assorted Kraft (Old Kraft)" shall consist of brown kraft waste free from corrugated waste of any kind, mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[38] "Triple Sorted No. 1 Brown Soft Kraft" shall consist of old soft brown sulphate kraft paper guaranteed 100% free from wax, tar, kraft corrugated boards, and all imitation or bogus sheets, and shall be clean, dry and free from mixed or objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[39] "Mixed Kraft Envelope and/or Bag Cuttings" shall consist of mixed 100% Northern and/or Southern Kraft Cuttings from strictly

new envelope and/or paper bag stock and must be free of fibre papers, screening pulp and colored paper of any kind, objectionable and mixed papers and foreign materials. Must be packed in small or large bales.

[40] "Kraft Envelope Cuttings" shall consist of 100% Northern kraft cuttings from strictly new envelope paper stock, free from objectionable and mixed papers and foreign materials. Must be packed in small or large bales.

[41] "New 100% Kraft Corrugated Cuttings" shall consist of cuttings, trimmings or shavings from new 100% kraft corrugated stock and must be free of fibre papers, screening pulp and colored paper of any kind, objectionable and mixed papers, and foreign materials. Must be packed in small or large bales.

(b) *Jobber's allowance.* (1) In the event that a consumer of wastepaper shall purchase wastepaper through a jobber, as defined in § 1347.8 (e) such consumer may pay such jobber not more than the maximum price herein plus a jobber's allowance not to exceed the lesser of the following amounts:

(i) The regular allowance customarily charged, or

(ii) An amount not exceeding the following percentages per ton of the amount actually paid to the jobber, exclusive of the jobber's allowance and differential for loading cars for the particular wastepaper purchased:

Price for grade of wastepaper purchased:	*Jobber's allowance in percentage* [1]
Up to $20.00	4
$20.01 to $30.00	5
$30.01 to $40.00	5½
$40.01 to $50.00	7
$50.01 to $60.00	8
$60.01 to $70.00	9

[1] Where customary allowance is not less than provided in subparagraph (ii) above.

(2) A jobber's allowance shall be payable only if the transaction in which it is to be paid fulfills all of the following requirements:

(i) The complete transaction is recorded as provided in § 1347.4;

(ii) The jobber guarantees the quality and delivery of an agreed tonnage of wastepaper, and such guarantee is made a part of the billing and of the record referred to above;

(iii) The jobber's allowance is shown as a separate item in the billing and in the record referred to above;

(iv) The wastepaper purchased is invoiced to a consumer at a price (excluding the jobber's allowance) no higher than that provided by this Schedule;

(v) The jobber's allowance is not split or divided with any other jobber, broker, dealer, consumer or producer;

(vi) The wastepaper was commercially baled and sorted, but this process was not performed by the jobber;

(vii) The wastepaper was owned by the jobber prior to its transfer to the consumer; and

(viii) The jobber has kept the records required of him by § 1347.4 and filed in proper form affirmations of compliance required of him by § 1347.5. (Executive Orders Nos. 8734, 8875; 6 F.R. 1917, 4483)

This amendment No. 3 shall become effective December 15, 1941.

Issued this 15th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9416; Filed, December 15, 1941; 12:32 p. m.]

PART 1352—FLOOR COVERINGS

PRICE SCHEDULE NO. 57—WOOL FLOOR COVERINGS

Wool floor coverings are an important item of household furnishings. Between August 1939 and May 1941 prices advanced 23.2% on a weighted average basis. The increase on one popular-priced item amounted to 33% in that period. In June 1941, the Office of Price Administration wrote the manufacturers of wool floor coverings requesting that they not increase prices on their lines to be marketed in the fall. Subsequently, individual voluntary agreements were reached with practically all members of the industry under which they agreed not to increase their prices prevailing on October 13 prior to December 15.

The outbreak of hostilities in the Far East, which is the source of all jute and much wool, the two principal raw materials, has a critical impact on the industry. Trade journal articles, and conferences with industry members, clearly indicate that price increases are planned. Efforts to obtain an extension of the individual voluntary agreements which expire on December 15 have been unsuccessful. In addition, requests by this Office to industry members on November 15 to submit detailed cost and profit data have elicited only a few replies. The cost study will continue. Meanwhile, effective measures must be taken to forestall further increases which may result in unwarranted prices. In order to prevent evasion of the Schedule, changes in specifications are restricted.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1352.1 *Maximum prices for wool floor coverings.* On and after December 16, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any unit of wool floor covering at a price higher than the maximum price.

(a) The maximum price for any unit of wool floor covering, in his price list in effect on October 13, 1941, shall be the price quoted therein for such unit to the same person or to a person in the same general class.

(b) The maximum price for any unit of wool floor covering, not in his price list in effect on October 13, 1941, but sold (or contracted to be sold) by him during the period January 1–October 13, 1941, inclusive, shall be the highest net price, f. o. b. manufacturer's point of shipment at which such unit was sold (or contracted to be sold) by him during such period to the same person or to a person in the same general class, or, if there is no such person, to any person.

(c) The maximum price for any unit of wool floor covering differing in specifications (except for such changes in specifications as are authorized in § 1354.4) from any unit referred to in (a) and (b) above, shall be the price approved in writing by the Office of Price Administration after submission of a report to it by the manufacturer in accordance with § 1352.7 (c); and no sale, offer to sell, delivery, or transfer of such unit shall be made until such approval shall have been given.*

*§§ 1352.1 to 1352.12 inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1352.2 *Less than maximum prices.* Lower prices than those established in § 1352.1 may be charged, demanded, paid or offered.*

§ 1352.3 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with the manufacture of wool floor coverings by deterioration of quality or in connection with a purchase, sale, delivery or transfer of wool floor coverings, alone or in conjunction with any other material, or by way of any service, transportation, or other charge, or by tying-agreement or other trade understanding, or by making rebates, discounts or other terms and conditions of sale less favorable to the purchaser than those available or in effect on October 13, 1941, or by any other means.*

§ 1352.4 *Change in specifications.* On and after December 16, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any unit of wool floor covering, differing in specifications from:

(a) A unit of wool floor covering in his price list in effect on October 13, 1941;

(b) A unit of wool floor covering, not in his price list in effect on October 13, 1941, but sold (or contracted to be sold) by him during the period January 1–December 15, 1941, inclusive; and

(c) A unit of wool floor covering manufactured, or in process of actual weaving, between October 13–December 15, 1941, inclusive;

Provided, That (1) changes may be made in yarn specifications which do not reduce quality, and which, in addition, in the case of pile yarn, do not vary the percentages of wool and each of the other component materials; and (2) other changes may be made in specifications with the permission of the Office of Price Administration upon the submission to it by the manufacturer of

satisfactory evidence (i) that the material previously used is unavailable or cannot be procured except (*a*) at prohibitive cost, or (*b*) in violation of any priority or allocation order or any regulation of a federal agency; and (ii) that the material substituted is one calculated to preserve quality.*

§ 1352.5 *Change in color or pattern.* Changes in color or pattern, or both, of any unit of wool floor covering may be made.*

§ 1352.6 *Records.* Every manufacturer making sales of wool floor coverings on or after December 16, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale showing the date thereof, the name and address of the buyer, the name, number or other designation of each unit, the price received for each unit, and the quantity sold.*

§ 1352.7 *Reports*—(a) *Units in price list in effect on October 13, 1941.* On or before January 1, 1942, every manufacturer shall submit to the Office of Price Administration a report on Form 157:1 showing in the detail required by such form, the units whose maximum prices are determined by § 1352.1 (a), the maximum prices thus established, the name, number or other designation and the specifications of each such unit, and such other information as the form may require. Manufacturers who have already submitted information required on Form 157:1 need not duplicate such information, but shall fill out such part of the form as is necessary to complete the information required, and shall enclose with the form a reference to the information already submitted. Copies of Form 157:1 may be procured from the Office of Price Administration.

(b) *Other units sold during the period January 1–October 13, 1941, inclusive.* The maximum price and the specifications of every unit of wool floor covering whose maximum price is determined by § 1352.1 (b) shall be reported by the manufacturer on Form 157.2 to the Office of Price Administration within ten days after such unit is delivered to a purchaser (or to a carrier for shipment to the purchaser) for the first time after the effective date of this Schedule.

(c) *Other units.* The proposed price and the specifications of every unit of wool floor covering whose maximum price is determined by § 1352.1 (c) shall be reported by the manufacturer on Form 157.3 to the Office of Price Administration at least ten days prior to his commencing the actual weaving of such unit, and at least twenty days prior to the date on which he first offers such unit for sale. Where, because of the effective date of this Schedule, the report cannot be made within the prescribed time, it shall be made at the earliest possible date.

Persons affected by this Schedule shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1352.8 *Affirmations of compliance.* On or before January 1, 1942, and on or before the first day of July and January thereafter, every manufacturer who is required to keep records of sales under Section 1352.6 hereof shall submit to the Office of Price Administration an affirmation of compliance on Form 157.4 containing a sworn statement that during such period all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 157.4 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½ inch paper, it may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1352.9 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the receipt or demand of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of wool floor coverings or of the hoarding or accumulation of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1352.10 *Modification of Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That, no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1352.11 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association or other business entity;

(b) "Manufacturer" means a person operating a factory, plant, or mill which manufactures any wool floor coverings;

(c) "Wool floor covering" means a floor covering in a manufactured state, the pile of which consists in whole or in part of wool, used as a rug, mat, carpet or other floor decoration;

(d) "Unit" means a wool floor covering manufactured and offered for sale as a distinct item, differing in specifications, color, or pattern, from other wool floor coverings manufactured and offered for sale by the same manufacturer;

(e) "Specifications" means (i) construction specifications, which include size, weave, pitch, rows per inch, shot, frames, cut tuft length, and wire size, and (ii) yarn specifications, which include yarn material, yarn size, and ply.

§ 1352.12 *Effective date of the schedule.* This Schedule shall become effective on December 16, 1941.

Issued this 16th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9453; Filed, December 16, 1941; 11:19 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

[Order No. 179]

PART 1—DOCUMENTATION OF VESSELS

DECEMBER 16, 1941.

Section 1.63 (*Application for award of number* [1]) is amended by the addition of the following new paragraph:

§ 1.63 *Application for award of number.*

* * * * *

(e) During the period of the unlimited national emergency proclaimed by the President on May 27, 1941, the issuance of a certificate of award of number under the Numbering Act of June 7, 1918, as amended (46 U.S.C., Sup., 288), to a vessel the sale or transfer of which in whole or in part is subject to Section 37 of the Shipping Act, 1916, as amended (46 U.S.C. 835), shall be governed by the following:

(1) Where such vessel has been, since May 27, 1941, sold or transferred in whole or in part without the approval of the U. S. Maritime Commission, no new certificate of award of number shall be issued. Such attempted sale or transfer is void and is not a change of ownership within the meaning of the Act of June 7, 1918, as amended. The original citizen owner may retain the certificate of award of number issued to the vessel in his name as owner. If the bill of sale on the reverse side of the certificate of award of number has been executed, such bill of sale should be cancelled by marking such bill of sale "Void". The following are not changes of ownership within the meaning of the Act of June 7, 1918, as amended:

(i) By a citizen to a person not a citizen of the United States.

(ii) By a citizen to a person not a citizen of the United States and then resold by such person to the same citizen.

[1] 4 F.R. 1687.

(iii) By a citizen to a person not a citizen of the United States and then resold by such person to another citizen.

(iv) By a citizen to a person not a citizen of the United States and then resold by such person to another person not a citizen of the United States.

(2) In cases of sale or transfer since May 27, 1941, with the approval of the U. S. Maritime Commission, the procedure outlined in paragraph (a) of this section shall be followed and, in addition, there shall be filed with the application for a certificate of award of number a certified copy of the transfer order of the U. S. Maritime Commission approving such sale or transfer. The collector shall endorse upon both the original and duplicate of the certificate of award of number the following:

Sale (or transfer) to non-citizen approved by U. S. Maritime Commission Transfer Order No. ——, dated ——

(Sec. 5, 40 Stat. 602, R.S. 161; 46 U.S.C. and Sup., 288, 5 U.S.C. 22)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-9469; Filed, December 16, 1941; 12:02 p. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 2—GENERAL RULES AND REGULATIONS

APPENDIX B—FREQUENCY ALLOCATIONS

The Commission on December 1, 1941, acting under the authority contained in Administrative Order No. 2, made the following change in Appendix B, Part 2 of its Rules and Regulations:

Substituted the term "ship phone" for the term "ship harbor" wherever it appears in Appendix B, specifically with respect to certain frequencies in the band 2100–2200 kc, the frequencies 2738 kc, 116350, 118350 kc, and with respect to certain frequencies in the band 30000–40000 kc.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-9420; Filed, December 16, 1941; 10:03 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1537-FD]

IN THE MATTER OF TIERNEY MINING COMPANY AND W. B. DOTSON, DEFENDANTS

ORDER OF DISMISSAL

A complaint having been filed with the Bituminous Coal Division on January 30, 1941, by Troy T. Deskins, a code member in District 8, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by Tierney Mining Company, a code member in District 8, and W. B. Dotson, alleged also to be a code member, of the Bituminous Coal Code or rules and regulations thereunder, as follows:

That the defendant Tierney Mining Company, with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments and in violation thereof, continuously since October 1, 1940, sold handpicked refuse coal to customers within a five mile radius of the Tierney Mine, at prices ranging from 65 cents to 15 cents below the effective minimum prices established for such coals;

The defendants having filed answers denying material allegations of the the complaint;

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter having been held on April 3, 1941, before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Big Stone Gap, Virginia, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which appearances were entered for the complainant, the defendants, and District Board 8;

On September 23, 1941, the Examiner having filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation in which he recommended that the complaint be dismissed as to both the defendants;

The record of the proceeding having thereupon been submitted to the undersigned, and the undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;[1]

Now, therefore, it is ordered, That the complaint against the defendants, W. B. Dotson and Tierney Mining Company be and it hereby is dismissed.

Dated: December 15, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9427; Filed, December 16, 1941; 10:28 a. m.]

[Docket No. 1769-FD]

IN THE MATTER OF CHAS. A. RIGGEN (RIGGEN COAL COMPANY), DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division on June 21, 1941, by District Board 12 pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 alleging wilful violations by Charles A. Riggen (Riggen Coal Company), a code member in District 12, the defendant, of the Bituminous Coal Code and Rules and Regulations thereunder, as follows:

That on various dates since October 1, 1940, the defendant sold and delivered several tons of screenings and other sizes of coals produced at defendant's mine (Mine Index No. 737) to the Des Moines Electric Light Company in Des Moines, Iowa, at prices below the effective minimum prices established for such coals;

Pursuant to orders of the Director and after notice to interested persons a hearing in this matter having been held before a duly designated Examiner of the Division, at a hearing room thereof, in Des Moines, Iowa, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard, and the complainant and the defendant having appeared at the hearing;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That effective fifteen (15) days from the date of this order, the code membership of the defendant, Charles A. Riggen (Riggen Coal Company), operating in Marion County, Iowa, in District 12, be, and it hereby is, revoked, and cancelled.

It is further ordered, That prior to any reinstatement of the defendant, Charles A. Riggen (Riggen Coal Company), to membership in the Code, the defendant shall pay to the United States a tax in the amount of $1,356.16, as provided in section 5 (b) of the Bituminous Coal Act of 1937.

Dated: December 15, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9428; Filed, December 16, 1941; 10:28 a. m.]

[Docket No. 1809-FD]

IN THE MATTER OF R. M. CARSON, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on August 4, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by the Bituminous Coal Producers Board for District No. 3, alleging that R. M. Carson, the defendant, a code member in District 3, had wilfully vio-

[1] Not filed with the original document.

lated the provisions of the Bituminous Coal Code, or rules and regulations thereunder by selling for shipment by truck mine run coal (Size Group 5), and delivering the same by truck, at prices lower than the effective minimum prices applicable to such coals, and praying that the Division cancel and revoke the defendant's code membership, or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder;

A hearing having been held before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Clarksburg, West Virginia, on September 25, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter dated November 10, 1941, recommending that the defendant's code membership be revoked and cancelled;

An opportunity having been afforded to all parties to file exceptions to the Examiner's Report and supporting briefs and no such exceptions and supporting briefs having been filed;

The undersigned having determined after a consideration of the record that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner should be approved and adopted as the Findings of Fact, and Conclusions of Law of the undersigned;

It is, therefore, ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act the code membership of the defendant, R. M. Carson, be and it is hereby revoked and cancelled, effective fifteen (15) days from the date of this order.

It is further ordered, That, prior to any reinstatement of the defendant, R. M. Carson, to membership in the Code, the defendant shall pay to the United States a tax in the amount of $202.66, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: December 15, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9429; Filed, December 16, 1941; 10:28 a. m.]

[Docket No. 1761-FD]

IN THE MATTER OF ALLEN PAYTON, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER, AND ORDER TO CEASE AND DESIST

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on May 15, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 11 alleging that Allen Payton, defendant, a code member producer in District 11, wilfully violated the provisions of the Bituminous Coal Code or the rules and regulations thereunder, and requesting that the Division either cancel and revoke the defendant's code membership, or, in its discretion, direct the defendant to cease and desist from violations of the Code or the rules and regulations thereunder;

A hearing having been held before Charles S. Mitchell, a duly designated Examiner of the Division at a hearing room thereof in Evansville, Indiana, on September 20, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter dated November 13, 1941, in which it was recommended that an order be entered directing the defendant to cease and desist from violating the Act, the Code, the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck, and the Marketing Rules and Regulations;

An opportunity having been afforded to all parties to file exceptions to the Examiner's Report and supporting briefs and no such exceptions or supporting briefs having been filed;

The undersigned having determined after a consideration of the record that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That the defendant, Allen Payton, his representatives, agents, servants, employees, and attorneys and all persons acting or claiming to act on his behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal produced by the defendant at less than the applicable effective minimum prices established therefor, contrary to the provisions of section 4 II (e) of the Act and any rules and regulations promulgated thereunder, the Bituminous Coal Code, the Marketing Rules and Regulations, and the Schedule of Effective Minimum Prices for District 11 For All Shipments Except Truck.

It is further ordered, That upon the failure or neglect of the defendant to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States where such defendant carries on business, or to the United States Circuit Court of Appeals for the District of Columbia for the enforcement thereof, or may take any other appropriate action.

Dated: December 13, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9430; Filed, December 16, 1941; 10:28 a. m.]

[Docket No. A-304]

PETITION OF THE PURSGLOVE COAL MINING COMPANY, A CODE MEMBER IN DISTRICT NO. 3, FOR A REDUCTION IN THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF ITS PURSGLOVE NO. 2 MINE (MINE INDEX NO. 120) IN SIZE GROUP 10 FOR SHIPMENT INTO MARKET AREAS 2 TO 16, INCLUSIVE, 20, 21 AND 100

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND DENYING RELIEF

This proceeding was instituted upon a petition filed on November 2, 1940, with the Bituminous Coal Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by the Pursglove Coal Mining Company, a code member in District No. 3. The petition requests that the Schedule of Effective Minimum Prices for District No. 3 For All Shipments Except Truck be revised so as to provide that the 3/8" x 0 slack coals (Size Group 10) produced at the Pursglove No. 2 Mine (Mine Index No. 120) may deliver into Market Areas 2 to 16, inclusive, 20, 21 and 100, at a price 10 cents below the 3/4" x 0 slack coals (Size Group 9). Petitions of intervention were filed by District Boards 1, 2, 3, 4, 6, and 8, and Consolidated Coal Company. Joint petitions of intervention were filed by the Pocahontas Fuel Company, the Pocahontas Corporation, and Pulaski Iron Company, and by Davis-Wilson Coal Company and Louise Coal Company.

On April 24, 1941, the Director issued Findings of Fact, Conclusions of Law and Opinion herein and ordered the prayer of Pursglove Coal Mining Company for relief and the prayers of intervenors for affirmative relief denied on the basis of the record adduced at a hearing held in this matter on December 16, 1940.

On June 25, 1941, the Director, upon request of Pursglove Coal Mining Company, issued an Order reopening the hearing for the taking of additional evidence. Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter was held before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room of the Division in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard.

The Examiner submitted his Report, Proposed Findings of Fact, Proposed

Conclusions of Law and Recommendations under date of November 13, 1941, in which he recommended that the relief requested herein be denied. He found that on an analytical basis there was no evidence to warrant the establishment of a price differential of ten cents between petitioner's 3/8" x 0 and 3/4" x 0 coals and that any difficulty arising out of the disposal of the 3/8" x 0 coals produced at the Pursglove No. 2 Mine did not arise as a result of the lack of a ten-cent differential between the 3/8" x 0 and the 3/4" x 0 coals. The Examiner therefore recommended that the prayers for affirmative relief contained in the several petitions filed herein be denied.

An opportunity was afforded to all parties to file exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner and briefs. No exceptions or supporting briefs have been filed.

The undersigned has determined that the Proposed Findings of Fact and the Proposed Conclusions of Law of the Examiner in this matter should be approved and adopted as the findings of fact and conclusions of law of the undersigned.

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and they hereby are, approved and adopted as the findings of fact and conclusions of law of the undersigned.

It is further ordered, That the prayers for affirmative relief contained in the several petitions filed herein be, and they hereby are, denied.

Dated: Dec. 15, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9431; Filed, December 16, 1941; 10:30 a. m.]

[Docket No. 1817-FD]

IN THE MATTER OF MALONE COAL COMPANY (W. R. MALONE), DEFENDANT

ORDER APPROVING AND ADOPTING THE EXAMINER'S REPORT AND REVOKING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 3, complainant, alleging wilful violation by Malone Coal Company (W. R. Malone), a code member in District 3, the defendant, of the Bituminous Coal Code and the effective minimum prices and regulations thereunder as follows:

That the defendant with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices for District No. 3 for Truck Shipments, with intent to violate the same and in violation thereof, sold for shipments by truck, during the month of October 1940, mine run coal produced at defendant's Meriden No. 3 Mine (Mine Index No. 666) in District No. 3, to the Barbour County Court (West Virginia), at prices lower than the effective minimum f. o. b. mine price for such coal;

Pursuant to Orders of the Director and after notice to all interested persons, a hearing having been held in this matter on September 24, 1941, before Charles O. Fowler, a duly designated Examiner of the Division at a hearing room thereof;

All interested persons having been afforded an opportunity to be present at the hearing, to adduce evidence, cross-examine witnesses and otherwise be heard;

The Examiner having made and entered his Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in the above proceeding dated November 12, 1941, recommending that the code membership of the defendant be revoked and cancelled;

An opportunity having been afforded to the parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having considered this matter and having determined that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is, therefore, ordered, That the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner be and they are hereby adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act the code membership of the defendant, Malone Coal Company (W. R. Malone), be and the same is hereby revoked and cancelled, effective fifteen (15) days from the date of this order;

It is further ordered, That, prior to any reinstatement of the defendant, Malone Coal Company (W. R. Malone), to code membership in the Code, he shall pay to the United States a tax in the amount of $77.06, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: December 15, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9432; Filed, December 16, 1941; 10:30 a. m.]

General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 3, WYOMING NO. 1, REDUCED

Departmental order of October 20, 1917, withdrawing certain lands in Wyoming for stock driveway purposes under section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, is hereby revoked so far as it affects the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 40 N., R. 75 W.,
Sec. 5, S½,
Sec. 6, all,
Sec. 7, NE¼,
Sec. 8, N½,
Sec. 9, N½;
T. 42 N., R. 78 W.,
Sec. 2, SW¼,
Sec. 3, SE¼;
aggregating 2,031.49 acres.

W. C. MENDENHALL,
Acting Assistant Secretary of the Interior.

DECEMBER 5, 1941.

[F. R. Doc. 41-9421; Filed, December 16, 1941; 10:14 a. m.]

STOCK DRIVEWAY WITHDRAWAL NO. 266, COLORADO NO. 28

Under the authority of section 7 of the act of June 28, 1934, as amended by the act of June 26, 1936, 48 Stat. 1272, 49 Stat. 1976, 43 U.S.C. 315f, the following-described public lands in Colorado are hereby classified as necessary and suitable for the purpose and, under the provisions of section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, such lands, excepting any mineral deposits therein, are withdrawn from all disposal under the public-land laws and reserved for the use of the general public as a stock driveway, subject to valid existing rights:

SIXTH PRINCIPAL MERIDIAN

T. 8 N., R. 94 W.,
Sec. 19, lot 1, NE¼NW¼, and N½NE¼;
T. 8 N., R. 95 W.,
Sec. 24, N½NE¼ and NE¼NW¼;
aggregating 286.21 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

W. C. MENDENHALL,
Acting Assistant Secretary of the Interior.

DECEMBER 5, 1941.

[F. R. Doc. 41-9422; Filed, December 16, 1941; 10:14 a. m.]

STOCK DRIVEWAY WITHDRAWAL NO. 11, MONTANA NO. 1, ENLARGED

Under the authority of section 7 of the act of June 28, 1934, as amended by the act of June 26, 1936, 48 Stat. 1272, 49 Stat. 1976, 43 U.S.C. 315f, the following-described public lands in Montana are hereby classified as necessary and suitable for the purpose and, under the provisions of section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, such lands, excepting any mineral deposits therein, are withdrawn from all disposal under the public-land laws and reserved for the use of the general public as an addition to

Stock Driveway Withdrawal No. 11, Montana No. 1, subject to valid existing rights:

PRINCIPAL MERIDIAN

T. 12 S., R. 8 W.,
Sec. 22, E½SW¼ and SE¼,
Sec. 27, N½NE¼, SW¼NE¼, and W½,
Sec. 31, lots 3 and 4, E½SW¼, and SE¼,
Sec. 32, S½,
Sec. 33, S½,
Sec. 34, NW¼, N½SW¼, and SW¼SW¼;
aggregating 1,897.24 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

W. C. MENDENHALL,
Acting Assistant Secretary of the Interior.

DECEMBER 5, 1941.

[F. R. Doc. 41-9423; Filed, December 16, 1941; 10:14 a. m.]

AIR NAVIGATION SITE WITHDRAWAL NO. 127 REVOKED, NEW MEXICO

Departmental order of May 18, 1939, withdrawing the following-described land in New Mexico under the provisions of the act of May 24, 1928, for the use of the Civil Aeronautics Authority in the maintenance of air navigation facilities is hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 3 S., R. 1 W.,
Sec. 25,
Lot 2, NW¼SE¼, excepting the right of way of U. S. Highway No. 85, and
Lots 3 and 4, N½SW¼
Sec. 26, Lots 1 and 2, N½SE¼

W. C. MENDENHALL,
Acting Assistant Secretary of the Interior.

DECEMBER 4, 1941.

[F. R. Doc. 41-9424; Filed, December 16, 1941; 10:14 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 641]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 9, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Colorado 2007E1 Mesa	$90,000
Florida 2024A2 Monroe	208,000
Georgia 2096A2 Pickens	12,500
Kentucky 2018D1 Meade	90,000
Kentucky 2020E1 McCracken	175,000
Kentucky 2033F1 Daviess	143,000
Maryland 2007E1 Caroline	59,000
Nebraska 2002B1 Gering District Public	26,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-9454; Filed, December 16, 1941; 11:26 a. m.]

[Administrative Order No. 642]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 9, 1941.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Alabama 2036B1 DeKalb	$132,000
Arkansas 2015C2 Woodruff	60,000
California 2016B4 Plumas	44,000
Colorado 2015C1 Morgan	228,000
Colorado 2033B1 Dolores	215,000
Georgia 2096B1 Pickens	153,000
South Carolina 2014E1 Aiken	96,000
Wisconsin 2049F1 Dunn	40,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-9455; Filed, December 16, 1941; 11:26 a. m.]

[Administrative Order No. 643]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 9, 1941.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Florida 2024G1 Monroe	$91,000
South Carolina 2037A3 Lexington	20,000
Washington 2036S1 Adams	170,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-9456; Filed, December 16, 1941; 11:26 a. m.]

[Administrative Order No. 644]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 9, 1941.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
California 2006C2 Modoc	$14,000
Kentucky 2057A2 Bell	40,000
Mississippi 2030C2 Jones	20,000
Missouri 2020B2 Marion	15,000
Pennsylvania 2015F2 Bradford	29,500
South Carolina 2021B2 Lancaster	50,000
South Carolina 2033A2 Cherokee	27,000
Texas 2041E3 Panola	10,000
Texas 2076D2 Blanco	65,000
Virginia 2011G5 Rockingham	15,000
Washington 2032B2 Okanogan	14,000
Wisconsin 2056G6 Crawford	48,000
Wyoming 2011G5 Lincoln	7,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-9457; Filed, December 16, 1941; 11:26 a. m.]

[Administrative Order No. 645]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 9, 1941.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Alabama 2028B2 Chambers	$35,000
Maryland 2004E2 St. Mary	34,500
Missouri 2020C1 Marion	10,000
Virginia 2030D2 Bath	48,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-9458; Filed, December 16, 1941; 11:26 a. m.]

[Administrative Order No. 646]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 9, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation	*Amount*
Georgia 2102GT1 Fulton	$3,750,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-9459; Filed, December 16, 1941; 11:27 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-456]

IN THE MATTER OF THE GAS SERVICE COMPANY AND CITIES SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of December, A. D. 1941.

An application and declaration having been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 by The Gas Service Company and Cities Service Company; and

Such application and declaration concerning the following:

The Gas Service Company, a public utility subsidiary of Cities Service Company, a registered holding company, proposes to issue 2,500 shares of its common stock without par or stated value as a stock dividend to Cities Service Company, its sole stockholder, and to debit earned surplus account and credit common stock capital account with the sum of $750,000. Cities Service Company seeks approval of its receipt of said shares as a stock dividend.

The declaration or application recites that the company considers sections

6 (a), 7, 9 (a) and 10 of the Act as being applicable to such transactions.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said declaration and application, and that said declaration shall not become effective or said application be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth:

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the Rules of the Commission thereunder be held on December 26, 1941 at 10 o'clock A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why the declaration as filed shall become effective;

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose, shall preside in the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That, without limiting the scope of issues presented by said application and declaration as filed or as amended, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the terms and conditions of any or all of the proposed transactions are detrimental to the public interest or the interest of investors or consumers.

2. Whether terms and conditions are necessary to be imposed to insure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders promulgated thereunder.

3. Whether all actions proposed to be taken comply with the requirements of such Act and rules, regulations or orders promulgated thereunder.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors and consumers.

It is further ordered, That such notice shall be given further by general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935. Further notice shall be given to all persons by publication in the FEDERAL REGISTER, not later than five days prior to the date hereinbefore fixed for the hearing, of a copy of this Notice of and Order for Hearing.

It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before the 22d day of December, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9464; Filed, December 16, 1941; 11:46 a. m.]

[File No. 70-332]

IN THE MATTER OF ALABAMA POWER COMPANY, THE COMMONWEALTH & SOUTHERN CORPORATION, AND THE GENERAL CORPORATION

NOTICE, AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of December 1941.

I

On June 12, 1941 applications and declarations were filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by the above-named parties. On June 14, 1941 the Commission published a Notice of Filing and Order for Hearing, summarizing the declarations and applications and ordering a hearing thereon (Holding Company Act Release No. 2828).

Hearings on the applications and declarations were commenced on July 1, 1941 and have continued from time to time thereafter. In the course of the hearings various matters, as more particularly specified in Release No. 2828, have been the subject of consideration. These include, among others,

(1) Whether and to what extent the property account of Alabama includes write-ups or other inflationary items;

(2) The adequacy of the provisions for maintenance and depreciation and of the depreciation reserve;

(3) Whether the securities proposed to be outstanding bear a reasonable relationship to the assets and earning power of Alabama; and

(4) Whether conditions should be imposed requiring the reduction of debt or an increase in the common stock equity.

II

On December 11, and 13, 1941, Alabama Power Company filed various amendments to its applications and declarations. In brief, the filings as presently amended involve, among other transactions, the refunding by Alabama of its outstanding debt of approximately $95,600,000 at a retirement cost of approximately $97,500,000 through,

(1) Issuance of $80,000,000 principal amount new bonds, a reduction of $3,878,000 from the amount originally proposed. The new bonds will bear interest not exceeding 3½% and will have a thirty year maturity; a premium on their sale is anticipated by the company;

(2) Issuance of $12,000,000 principal amount notes to banks, to bear interest at 2⅞%, repayable in sixteen equal semi-annual installments; an increase of $4,000,000 over the original proposal; and

(3) Use of approximately $4,500,000 of treasury funds, an increase of $2,200,000 over the earlier proposal.

Alabama also proposes to make certain adjustment in its accounts, including,

(1) Reduction of its stated common capital from $51,278,782 to $20,762,500, an amount of $30,516,282 compared with $18,755,903 as earlier proposed;

(2) Elimination of $23,148,901 from utility plant account as compared with a reduction of $16,465,952 shown in the original filing. Additionally, special surplus reserves aggregating $11,342,750 are provided for the possible further writing down of the utility plant account relating to the Mitchell, Martin and Jordan dam licensed projects; and

(3) The depreciation reserve will be increased by $2,217,000. Concurrently therewith an adjustment of $329,435 will be made, leaving a net addition to the reserve of $1,887,565.

The Commonwealth & Southern Corporation (Delaware), which owns all the common stock of Alabama, will surrender for cancellation its entire holdings of 11,302 shares of Alabama's preferred stock having a liquidation value of $1,130,200; the cost of these shares to Commonwealth, $717,482, will be treated as an additional investment by it in Alabama's common stock. The outstanding preferred stock will be restated at liquidation value, an increase of $553,824.

The indenture will contain a cash sinking fund which will retire 1% of the outstanding bonds annually beginning with the year following the retirement of the notes to banks (repayable in sixteen equal semi-annual installments).

III

As a part of the original filing Commonwealth proposed to transfer certain coal properties to Alabama as an additional investment in its common stock, and to dissolve The General Corporation, a wholly owned subsidiary, and acquire its assets. The transactions have been consummated. (Holding Company Act Release No. 2996, September 12, 1941.)

IV

It appearing to the Commission that it is appropriate and in the public interest and in the interest of investors and consumers that the hearings be reconvened for the consideration, among other things, of the various matters herein and

in our Notice and Order of June 14, 1941, set forth (Holding Company Act Release No. 2828), relating to the applications and declarations and amendments thereto;

It is ordered, That the hearings be reconvened at 10:00 o'clock A. M. on December 19, 1941, at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. At such time the hearing-room clerk in Room 1102 will advise as to the room in which the hearing will be held.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings on such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is directed that any person desiring to be heard, or to intervene pursuant to the provisions of Rule XVII of the Commission's Rules of Practice, make his intentions known at the opening of the hearing on December 19, 1941, or earlier notify the Commission in writing addressed: Secretary, Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9465; Filed, December 16, 1941; 11:46 a. m.]

[File No. 70-452]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION, AND ATLANTIC SEABOARD CORPORATION

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of December, A. D. 1941.

The above-named parties having filed declarations pursuant to the Public Utility Holding Company Act of 1935, particularly sections 12 (c) and 12 (f) thereof and Rules U-42 and U-43 promulgated thereunder regarding the sale by Columbia Gas & Electric Corporation to its wholly owned subsidiary, Atlantic Seaboard Corporation, of $750,000 principal amount of the latter company's 6% Income Demand Notes at their principal amount; and

Said declarations having been filed on December 2, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declarations within the period specified in said notice or otherwise and not having ordered a hearing thereon; and the above-named persons having requested that said declarations be permitted to become effective as soon as possible; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declarations to become effective pursuant to sections 12 (c) and 12 (f) and Rules U-42 and U-43 promulgated thereunder, and being satisfied that the effective date of said declarations should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the above declarations be and hereby are permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9466; Filed, December 16, 1941; 11:46 a. m.]

[File No. 7-466]

IN THE MATTER OF CHICAGO RIVET & MACHINE COMPANY COMMON STOCK, $4 PAR VALUE

SUPPLEMENTAL FINDINGS AND ORDER CONTINUING PROCEEDING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of December, A. D. 1941.

An application having been filed by Chicago Rivet & Machine Company for the termination of unlisted trading privileges, on the New York Curb Exchange, in the applicant's common stock; hearings having been held, at which said exchange appeared in opposition to the application; briefs having been filed and argument held before the Commission; and

The Commission having, on December 4, 1941, issued and filed its findings and opinion in this matter in which it concluded that the character of trading on said exchange in the subject security was such that, if the unit of trading therein were not reduced from 100 shares to 25 shares or less, termination of unlisted trading privileges therein would be appropriate in the public interest and for the protection of investors; but that it would be in the public interest to continue such privileges for a trial period of six months if said exchange, within ten days from the date of said findings and opinion, reduced the unit of trading as suggested and notified the Commission that such action had been taken; and

Said exchange having, under date of December 5, 1941, notified the Commission that the unit of trading in the subject security on said exchange has been reduced to 25 shares, effective at the opening of business on December 8, 1941, and the Commission finding that said exchange has fulfilled the conditions specified in the aforesaid findings and opinion; now, therefore,

The Commission deeming it appropriate in the public interest and for the protection of investors to take the action hereinafter specified, it is hereby

Ordered, That the proceeding on the application herein be and it hereby is continued until June 9, 1942, or as soon thereafter as appropriate arrangements for a hearing can be made, at which time the record herein shall be reopened for the hearing of further evidence and the New York Curb Exchange shall submit evidence bearing on the trading in the subject security on said exchange during the six months preceding said date, which evidence shall include the following:

1. Transcript of specialist's book pertaining to the subject security, including both round-lot and odd-lot orders, for the whole of such period;

2. Record of all transactions in the subject security, both round-lot and odd-lot, executed on said exchange during such period, designating separately such transactions as shall have been executed for the account of the specialist and such as shall have been knowingly executed for the account of any other member of said exchange; and

3. Record of the opening bid and asked quotations on said exchange pertaining to the subject security on each trading day during such period.

It is further ordered, That the New York Curb Exchange, the applicant and the Trading and Exchange Division of the Commission shall be given opportunity to present such additional relevant and material evidence at said hearing as they may desire.

The time and place of hearing and the trial examiner to be assigned thereto will be designated by further order of the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9467; Filed December 16, 1941; 11:46 a. m.]

[File Nos. 59-17, 59-11, 54-25]

IN THE MATTERS OF THE UNITED LIGHT AND POWER COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY, AMERICAN LIGHT & TRACTION COMPANY, CONTINENTAL GAS & ELECTRIC CORPORATION, UNITED AMERICAN COMPANY, AND IOWA-NEBRASKA LIGHT AND POWER COMPANY; THE UNITED LIGHT AND POWER COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS; THE UNITED LIGHT AND POWER COMPANY, APPLICANT

ORDER GRANTING APPLICATION NO. 6 RELATING TO TRANSACTIONS INCIDENTAL TO DISSOLUTION OF THE UNITED LIGHT AND POWER INDUSTRIALS, INC.

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Washington, D. C., on the 15th day of December, A. D. 1941.

The United Light and Power Company, The United Light and Railways Company (both of which are registered holding companies), and The United Light and Power Industrials, Inc., a subsidiary of The United Light and Railways Company, having jointly and severally filed herein Application No. 6, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 (a), 10, 11 (b) (1), 11 (b) (2), 11 (e), 12 (c) and (f) thereof, and Rules U-42, U-43 and U-46 thereunder, regarding the following proposed transactions:

1. The transfer by Industrials to Railways and the acquisition from Industrials by Railways of all the assets of Industrials, to wit: all the 14,500 outstanding shares of common stock, without par value, stated value $50 per share, of Mason City Brick and Tile Company; the promissory note of Mason City Brick and Tile Company in the principal amount of $250,000, due January 1, 1940, and bearing interest at the rate of 5½% per annum; 8,000 shares (approximately 4%) of the common stock, without par value, of Northwestern States Portland Cement Company; and all other assets, if any, owned by Industrials at the time of the transfer of said stocks and note to Railways;

2. The surrender by Railways to Industrials and the acquisition by Industrials of all the outstanding capital stock of Industrials (10 shares without par value, stated value of $100 per share) and the cancellation by Railways of the open account indebtedness, in the amount of $1,383,281.42 plus accrued interest thereon amounting to $228,129.86, owed to it by Industrials;

3. Thereafter Industrials will be dissolved in accordance with the laws of the State of Delaware.

Said application having been filed on November 26, 1941 and notice of said filing having been duly given as required by the Act and applicable rules of the Commission, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The applicants having requested that an order be entered granting said application on the fifteenth day after the filing thereof; and

The United Light and Power Industrials, Inc. having requested that it be made a party to these proceedings to the extent necessary to entitle it to join in this application and to secure authority of the Commission in these proceedings to consummate the aforedescribed transactions in which it has an interest; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application pursuant to sections 12 (c) and (f) of the Act and Rules U-42, U-43 and U-46 thereunder, and the applicants having consented in writing to the reservation of jurisdiction hereinafter provided for; and The United Light and Railways Company, one of the applicants herein having consented in writing to the entry of an order requiring it to dispose of all its interests in Mason City Brick and Tile Company and Northwestern States Portland Cement Company, within one year from the date of this order; and

The Commission finding with respect to said application under section 10 of said Act, that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act; and

The Commission finding that the transactions described in paragraphs numbered 1 to 3 inclusive herein are necessary to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, 49 Stat. 820, (U.S.C., Sup. V, Title 15, 879k (b)) and to comply with the applicable provisions of our order of March 20, 1941 (Holding Company Act Release No. 2636)

It is hereby ordered, Pursuant to the applicable provisions of said Act and the applicable rules thereunder, subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be and the same is hereby granted.

It is further ordered, That The United Light and Railways Company shall dispose of all its interests in Mason City Brick and Tile Company and Northwestern States Portland Cement Company within one year from the date of the entry of this order.

Our approval of the application is, however, expressly subject to a reservation of jurisdiction by this Commission with respect to the final accounting entries to be placed upon the books of The United Light and Railways Company to record the receipt of the securities of Mason City Brick and Tile Company and Northwestern States Portland Cement Company and the amount at which such securities shall be recorded on the books of The United Light and Railways Company.

It is further ordered, That The United Light and Power Industrials, Inc. be made a party to this proceeding for the purpose necessary to effectuate the aforedescribed transactions in which it has an interest.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9468; Filed, December 16, 1941; 11:47 a. m.]